

Meeting Agenda

Bay Area Infrastructure Financing Authority

Alfredo Pedroza, Chair

Nick Josefowitz, Vice Chair

Wednesday, June 22, 2022

9:55 AM

HYBRID (In person option available)

The Bay Area Infrastructure Financing Authority is scheduled to meet on Wednesday, June 22, 2022 at 9:55 a.m. or immediately following the 9:50 a.m. BAHA meeting, 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, 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/86413346652>

iPhone One-tap: +13462487799,,86413346652# or +12532158782,,86413346652#

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

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

+1 253 215 8782 or +1 646 876 9923 or +1 301 715 8592 or

+1 312 626 6799 or 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free)

Webinar ID: 864 1334 6652

International numbers available: <https://bayareametro.zoom.us/j/kr9liEyDv>

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.

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. [22-0865](#) Minutes of the May 25, 2022 meeting
- Action: Authority Approval
- Attachments: [3a - 22-0865 - May 25 2022 BAIFA Draft Minutes.pdf](#)
- 3b. [22-0866](#) BAIFA Resolution No. 33 Providing for Remote Meetings Pursuant to Assembly Bill 361
- Action: Authority Approval
- Attachments: [3b - 22-0866 - BAIFA Resolution 33 AB361.pdf](#)
- 3c. [22-0971](#) Contract Amendment - Express Lanes Program Advisor: WSP, Inc. (\$1,800,000)
- Action: Authority Approval
- Presenter: Stephen Wolf
- Attachments: [3c - 22-0971 - Contract Amendment EL Program Advisor WSP.pdf](#)

4. Approval

- 4a. [22-0932](#) BAIFA Resolution No. 31 - FY 2022-23 Operating and Capital Budgets
- Staff requests approval of BAIFA Resolution No. 31, authorizing the FY 2022-23 BAIFA Operating and Capital Budgets.
- Action: Authority Approval
- Presenter: Derek Hansel
- Attachments: [4a - 22-0932 - BAIFA Resolution 31 FY2022-23 Operating and Capital Budget](#)
[4a - 22-0932 - Presentation.pdf](#)

- 4b. [22-0983](#) Services For Express Lanes Backhaul Network
- i. Purchase Order - Network Consulting Services: SSP Data (\$640,000); and
 - ii. Purchase Order - Telecommunication Services: AT&T (\$205,000)

A request for approval of purchase orders for consulting and telecommunication services in support of the Metropolitan Transportation Commission (MTC) Express Lanes Network operations on I-680 and I-880 and San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) express lanes operations on US 101 from Palo Alto to Redwood City, and for implementation of new express lanes segments on US 101 from Redwood City to SR-380 and I-80 from Fairfield to Vacaville. Each vendor will be procured using a collaborative intergovernmental procurement agreement (IPA), which satisfies BAIFA's procurement requirements, subject to the approval of BAIFA Resolution No. 31, FY 2022-23 Operating and Capital Budgets.

Action: Authority Approval

Presenter: Mark Dinh

Attachments: [4b - 22-0983 - Express Lanes Backhaul Consulting and Telecommunications](#)

- 4c. [22-0895](#) BAIFA Toll Facility Ordinance Amendment

A recommendation to adopt proposed changes to BAIFA's existing 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: Authority Approval

Presenter: Pierce Gould

Attachments: [4c - 22-0895 - BAIFA Toll Facility Ordinance Amendment.pdf](#)
[4c - 22-0895 - Attachment C Adoption Presentation.pdf](#)

- 4d. [22-0894](#) I-880 Express Lanes Means-Based Toll Discount Pilot

Approval to pilot a means-based toll discount on the I-880 Express Lanes, subject to adoption of the, amended and restated BAIFA Toll Facility Ordinance on June 22, 2022 and subsequent 30-day waiting period for the toll facility ordinance to become effective.

Action: Authority Approval

Presenter: Pierce Gould

Attachments: [4d - 22-0894 - I-880 Express Lanes Toll Discount Pilot Approval.pdf](#)
[4d - 22-0894 - Attachment A Presentation.pdf](#)

5. Information

5a. [22-0893](#) Revision to BAIFA Toll Violation Penalties

An information update on a recommendation from Bay Area Express Lanes operators to reduce express lanes toll violation penalties to \$10 + \$20 for the first and second notice (for a total of \$30 due at the time of the second notice).

Action: Information

Presenter: Stephen Wolf

Attachments: [5a - 22-0893 - Revisions to BAIFA Toll Violation Penalties.pdf](#)

6. Public Comment / Other Business

7. 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) 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 #: 22-0865 **Version:** 1 **Name:**

Type: Minutes **Status:** Authority Approval

File created: 4/22/2022 **In control:** Bay Area Infrastructure Financing Authority

On agenda: 6/22/2022 **Final action:**

Title: Minutes of the May 25, 2022 meeting

Sponsors:

Indexes:

Code sections:

Attachments: [3a - 22-0865 - May 25 2022 BAIFA Draft Minutes.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:
Minutes of the May 25, 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

Wednesday, May 25, 2022

9:05 AM

HYBRID (In person option available)

Call Meeting to Order

1. Roll Call / Confirm Quorum

Present: 12 - Chair Pedroza, Commissioner Abe-Koga, Commissioner Ahn, Commissioner Chavez, Commissioner Connolly, Commissioner Fleming, Commissioner Glover, Commissioner Liccardo, Commissioner Papan, Commissioner Rabbitt, Commissioner Schaaf and Vice Chair Worth

Absent: 6 - Vice Chair Josefowitz, Commissioner Canepa, Commissioner Dutra-Vernaci, Commissioner Miley, Commissioner Ronen and Commissioner Spering

Non-Voting Member Present: Commissioner Giacomini

Non-Voting Member Absent: Commissioner El-Tawansy

2. Pledge of Allegiance

3. Compensation Announcement

4. Chair's Report

5. Consent Calendar

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

Aye: 11 - Chair Pedroza, Commissioner Abe-Koga, Commissioner Ahn, Commissioner Connolly, Commissioner Fleming, Commissioner Glover, Commissioner Liccardo, Commissioner Papan, Commissioner Rabbitt, Commissioner Schaaf and Vice Chair Worth

Absent: 7 - Vice Chair Josefowitz, Commissioner Canepa, Commissioner Chavez, Commissioner Dutra-Vernaci, Commissioner Miley, Commissioner Ronen and Commissioner Spering

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

Action: Authority Approval

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

Action: Authority Approval

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

Commissioner Chavez arrived during agenda item 6a.

Upon the motion by Chair Pedroza and seconded by Vice Chair Worth, the Authority unanimously waived the reading of the amended and restated toll facility ordinance aloud. The motion carried by the following vote:

Aye: 12 - Chair Pedroza, Commissioner Abe-Koga, Commissioner Ahn, Commissioner Chavez, Commissioner Connolly, Commissioner Fleming, Commissioner Glover, Commissioner Liccardo, Commissioner Papan, Commissioner Rabbitt, Commissioner Schaaf and Vice Chair Worth

Absent: 6 - Vice Chair Josefowitz, Commissioner Canepa, Commissioner Dutra-Vernaci, Commissioner Miley, Commissioner Ronen and Commissioner Sperring

Written public comments are reflected in the English, Spanish, and Chinese survey results as posted to the agenda.

Aleta Dupree was called to speak.

Bobby Lee was called to speak.

7. Public Comment / Other Business

Aleta Dupree was called to speak.

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.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-0866 **Version:** 1 **Name:**

Type: Resolution **Status:** Authority Approval

File created: 4/22/2022 **In control:** Bay Area Infrastructure Financing Authority

On agenda: 6/22/2022 **Final action:**

Title: BAIFA Resolution No. 33 Providing for Remote Meetings Pursuant to Assembly Bill 361

Sponsors:

Indexes:

Code sections:

Attachments: [3b - 22-0866 - BAIFA Resolution 33 AB361.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:
BAIFA Resolution No. 33 Providing for Remote Meetings Pursuant to Assembly Bill 361

Recommended Action:
Authority Approval

Bay Area Infrastructure Financing Authority
BAIFA

June 22, 2022

Agenda Item 3b - 22-0866

BAIFA Resolution No. 33 Providing for Remote Meetings Pursuant to AB 361

Subject:

Approval of BAIFA Resolution No. 33 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. 33 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. 33, authorizing its committees and related entities, to meet remotely pursuant to the provisions of AB 361.

Attachments:

- Attachment A: BAIFA Resolution No. 33



Therese W. McMillan

Date: June 22, 2022
Referred By: BAIFA

ABSTRACT

Resolution No. 33

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 June 22, 2022.

Date: June 22, 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. 33

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 June 22, 2022.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-0971 **Version:** 1 **Name:**

Type: Contract **Status:** Authority Approval

File created: 5/12/2022 **In control:** Bay Area Infrastructure Financing Authority

On agenda: 6/22/2022 **Final action:**

Title: Contract Amendment - Express Lanes Program Advisor: WSP, Inc. (\$1,800,000)

Sponsors:

Indexes:

Code sections:

Attachments: [3c - 22-0971 - Contract Amendment EL Program Advisor WSP.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:
Contract Amendment - Express Lanes Program Advisor: WSP, Inc. (\$1,800,000)

Presenter:
Stephen Wolf

Recommended Action:
Authority Approval

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

June 22, 2022

Agenda Item 3c - 22-0971

Contract Amendment – Express Lanes Program Advisor: WSP, Inc. (\$1,800,000)

Subject:

A request to approve a contract amendment with WSP, Inc. (WSP) in an amount not to exceed \$1,800,000 to provide technical expertise for implementation and operation of BAIFA's express lanes.

Background:

In January 2018 the Authority approved a contract award to WSP for program advisor services for the BAIFA express lanes program after an open competitive procurement. The initial \$5,860,000 contract was for a term of three and one-half years ending in June 2021. The procurement gave BAIFA the option to extend up to two additional years.

In June 2019, the Authority approved a contract amendment adding \$2,865,000 for program advisor services related to the implementation and operation of the US 101 Express Lanes in San Mateo County, which is owned by the San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) and operated by BAIFA under agreement with SMCEL-JPA.

In July 2021, the Executive Director executed a contract amendment with WSP to extend the contract to July 2022 funded by existing budget remaining from the initial term of the contract. Now staff intends to exercise the final optional year subject to the Authority's approval of an increase to the contract value.

WSP's scope is included as Attachment A. In the last four and one-half years, WSP has supported the implementation and operation of BAIFA's express lanes on I-680 in Contra Costa County and I-880 in Alameda County. Strategic work has included support for the development of the Express Lanes Strategic Plan adopted by the Metropolitan Transportation Commission's Operations Committee in April 2021. Public Outreach has included supporting the openings of new lanes and marketing campaigns such as the "Get-Set-Go" effort aimed at carpoolers and the need to use a FasTrak® Flex.

In the coming year, WSP will support the implementation of BAIFA's express lanes on I-80 in Solano County. Strategic work will include development of a 10-year expenditure plan and a draft procurement for the replacement of BAIFA's toll system (to be implemented in phases by corridor as the toll system reaches the end of its useful life, estimated to be seven years; see Attachment B). WSP will also continue to support operation of BAIFA's existing corridors, such as analyzing traffic and express lane use, reviewing toll system integrator performance, and other support as needed.

Attachment C includes a summary of WSP and its project team's small business and disadvantaged business enterprise status.

Issues:

None identified.

Recommendations:

That the Authority authorize the Executive Director or designee to negotiate and enter into a contract amendment with WSP for express lanes program advisor services in amount not to exceed \$1,800,000.

Attachments:

- Attachment A: Express Lanes Advisor Scope of Work
- Attachment B: Toll System Expected Useful Life
- Attachment C: Disadvantaged Business and Small Business Enterprise Status
- Request for Authority Approval - Summary of Proposed Contract Amendment



Therese W. McMillan

Attachment A

Express Lane Program Advisor Scope of Work

Required Tasks

1. Technical/strategic advice for implementation, operations and policy issues;
2. Toll system project assistance to support oversight of the BAIFA toll system integrator;
3. Operations/maintenance planning and support to open new BAIFA lanes or for changes to existing lanes;
4. Public education to augment staff when opening new BAIFA lanes;
5. Program controls, e.g., cost, change, quality, risk, documents (MTC will manage some controls, such as schedule and reporting, in-house) ; and
6. Contract management/administration.

Optional Tasks if needed

7. Project/contract management for civil construction, communications and utilities work for BAIFA lanes;
8. Program controls beyond the current anticipated division of labor with BAIFA staff;
9. Ongoing express lanes operations beyond the initial opening of a new lane;
10. Express lanes toll system maintenance to support BAIFA staff with management and coordination activities; and
11. Procurement support for planning and implementation of future BAIFA express lanes.

Attachment B

Toll System Expected Useful Life

Toll system host: 2017-2026

Contra Costa I-680 Initial Segment: 2017-2023

Alameda I-880: 2020-2026

Contra Costa I-680 Southbound Extension: 2021-2027

Solano I-80: 2025-2031

In-lane system has an expected useful life of seven years.

Host system has an expected useful life of ten years.

Maximum term of existing Toll System Integrator contract is through June 30, 2027

Attachment C

Disadvantaged Business Enterprise and Small Business Enterprise Status

Firm Name	Role on Project	DBE * Yes	If DBE Yes, List #	DBE No	SBE* * Yes	If SBE Yes, List #	SBE No
WSP USA, Inc.	Prime			X			X
Gray-Bowen-Scott	Subconsultant			X	X	1756291	
Kazoo Studios East	Subconsultant			X			X
Silicon Transportation Consultants	Subconsultant	X	43097		X	1802481	
Zoon Engineering	Subconsultant			X	X	58549	

*Denotes certification by the California Unified Certification Program (CUCP).

**Denotes certification by the State of California.

Request for Authority Approval

Summary of Proposed Contract Amendment

Work Item No.: 6840

Consultant: WSP, Inc. (San Francisco, CA)

Work Project Title: Express Lanes Program Advisor

Purpose of Project: Provide technical expertise for implementation and operation of BAIFA's express lanes, augmenting staff resources as needed.

Brief Scope of Work: Technical and strategic advice; toll system project assistance; operations/maintenance planning and support; public education; program controls and coordination; contract management and additional support as needed.

Project Cost Not to Exceed: Contract: \$1,800,000 (this amendment)

Total Contract before this amendment: \$8,645,000

Total Contract after this amendment: \$10,445,000

Funding Source: BATA Express Lanes Capital Project Budget

Fiscal Impact: Funding is included in the Express Lanes Capital Project Budget

Motion by Authority: That the Executive Director or designee is authorized to negotiate and enter into a contract amendment with WSP, Inc. for Express Lanes Program Advisor Services described above and in the Summary Sheet dated June 22, 2022 and that the Chief Financial Officer is authorized to set aside \$1,800,000 for such contract amendment.

Authority:

Alfredo Pedroza, Chair

Approved: June 22, 2022



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	22-0932	Version:	1	Name:	
Type:	Resolution	Status:		Authority Approval	
File created:	5/2/2022	In control:		Bay Area Infrastructure Financing Authority	
On agenda:	6/22/2022	Final action:			
Title:	BAIFA Resolution No. 31 - FY 2022-23 Operating and Capital Budgets				
	Staff requests approval of BAIFA Resolution No. 31, authorizing the FY 2022-23 BAIFA Operating and Capital Budgets.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	4a - 22-0932 - BAIFA Resolution 31 FY2022-23 Operating and Capital Budgets.pdf 4a - 22-0932 - Presentation.pdf				

Date	Ver.	Action By	Action	Result
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Subject:

BAIFA Resolution No. 31 - FY 2022-23 Operating and Capital Budgets

Staff requests approval of BAIFA Resolution No. 31, authorizing the FY 2022-23 BAIFA Operating and Capital Budgets.

Presenter:

Derek Hansel

Recommended Action:

Authority Approval

Bay Area Infrastructure Financing Authority (BAIFA)

June 8, 2022

Agenda Item 4a - 22-0932

BAIFA Resolution No. 31 – FY 2022-23 Operating and Capital Budgets

Subject:

Staff requests approval of BAIFA Resolution No. 31, authorizing the FY 2022-23 BAIFA Operating and Capital Budgets. The FY 2022-23 BAIFA Operating Budget includes total operating budget revenue of \$71.2 million and total operating budget expense \$31.3 million. The operating budget is balanced with a projected operating surplus of \$23.6 million after depreciation and transfer, which will be transferred to reserves for future operations, maintenance and repairs. The FY 2022-23 BAIFA Express Lanes Development Capital Budget proposes a change to the budget expenses of \$530 thousand and the Express Lanes Rehabilitation Capital Budget proposes a change to the budget expenses of \$550 thousand.

Background:

BAIFA currently operates express lanes on two corridors. The first corridor is I-680 in Contra Costa County, which opened in October 2017 and includes 26 lane miles between Walnut Creek and San Ramon. An 11-mile southbound extension from Martinez to Walnut Creek opened in August 2021. The I-680 averaged 423,000 paid trips per month in its first ten months of operations. In the first six months of prior Fiscal Year 2021-22, I-680 averaged 366,000 paid trips per month.

The second corridor is I-880 in Alameda County, which opened in October 2020 with 46 lane miles of express lanes between San Leandro and Milpitas. It averaged 481,000 paid trips per month in the first seven months of operation. In the first ten months of FY 2021-22, I-880 has averaged 727,000 trips per month establishing a very healthy traffic and revenue performance.

In Fiscal Year 2021-22, BAIFA has also begun a certain body of work with respect to the San Mateo 101 project. Expenses for this work are reimbursed by the San Mateo project.

I-880 (total average paid monthly transactions - thousands)

- FY 2021 (9 months) 596
- FY 2022 (10 months) 727

I-680 (total average paid monthly transactions - thousands)

- FY 2018 (9 months) 423
- FY 2019 377
- FY 2020 274
- FY 2021 230
- FY 2022 (10 months) 366

Operating Budget:

Total FY 2022-23 revenue for all express lane operations is \$71.2 million with total operating expenses of \$31.3 million. The budget is balanced as presented, with projected operating surplus on I-680 of \$4.4 million and on I-880 of \$35.5 million for a total operating surplus of \$39.9 million. The budget is summarized below (in thousands).

	<u>FY 2021-22</u> Amendment No. 1	<u>FY 2022-23</u>
Toll Revenue		
I-680	8,500	11,000
I-880	30,000	45,000
Violation\Other		
I-680	1,184	3,200
I-880	2,873	6,200
Interest	305	423
Other	2,892	5,417
Total Revenue	<u>\$45,754</u>	<u>\$71,240</u>
Operating Expenses		
FasTrak	7,719	8,857
EL Operations	12,647	13,444
Administration	3,617	3,614
Other	2,892	5,417
	<u>26,875</u>	<u>31,332</u>
Balance (Deficit)	\$18,878	\$ 39,907

The operating budget for FY 2022-23 assumes continued return to pre-pandemic traffic levels. The I-880 continues to bring strong revenue collection while the I-680 is steadily recovering from the operating deficit in the prior fiscal year.

Violation revenue estimates are based on the current violation penalty structure of \$25 for the first notice plus \$45 for the second notice. Staff is seeking approval of actions from the Authority in June and July that would lower the penalties charged under the current structure and would lead to a reduction in violation revenue.

Capital Programs:

Express Lanes Development Program

BAIFA has a capital program budget of approximately \$449 million covering 14 projects. No new project is proposed for FY 2022-23 but an increase to the budget of \$530 thousand is requested for the Means-Based Toll Discount project. A complete list of the BAIFA capital program is attached. (Attachment B).

Rehab Program

BAIFA will pursue its detailed rehab program for the existing lanes that involves long-term maintenance and repair of the toll system. Total proposed change to the FY 2022-23 BAIFA Rehab Program is a \$550 thousand increase for both I-680 and I-880 toll system that will bring up the total budget to \$3.08 million and will be funded through the existing reserve. A complete list is attached to the budget schedule (Attachment C).

Capital and Operating Reserves:

Statute requires that “net revenue” be restricted to uses in the respective express lane corridors. However, before net revenue is determined, there has to be provision for eligible expenses such as debt service, reserves for future operations and maintenance, rehabilitation improvements, and further development of the network.

Staff plans to set up reserve accounts for express lane operations and maintenance. The goals are as follows:

- Operating - one full year toll revenue
- Capital - funded depreciation expense

Surplus operating revenue will be transferred to a designated reserve until it reaches one year of annual toll revenue. The remaining surplus will be transferred to a capital reserve until that reserve reaches the accumulated depreciation expense. Both operating and capital reserves will only be available with the specific approval of the Board. Additional funding will remain in undesignated reserves which are only available to be spent upon approval of the Board.

Later this year, staff will undertake a comprehensive, multi-year analysis of projected draws on toll revenue including operations and maintenance and system replacement and rehabilitation costs. The results of this review will help inform future use of annual operating surplus in light of these needs and potential future economic cycles.

Recommendations:

Staff recommends that the Authority approve BAIFA Resolution No. 31, FY 2022-23 BAIFA Operating and Capital Budgets.

Attachments:

- BAIFA Resolution No. 31 – BAIFA FY 2022-23 Operating and Capital Budgets



Therese W. McMillan

Date: June 22, 2022
W.I.: 6840, 6861
Referred by: BAIFA

ABSTRACT

BAIFA Resolution No. 31

This resolution approves the Operating and Capital Budgets for FY 2022-23 for the Bay Area Infrastructure Financing Authority (BAIFA).

Further discussion of the BAIFA Operating and Capital Budgets is contained in BAIFA's Summary Sheet dated June 22, 2022.

Date: June 22, 2022
W.I.: 6840, 6861
Referred by: BAIFA

Re: Bay Area Infrastructure Financing Authority's Operating and Capital Budgets for FY 2022-23

BAY AREA INFRASTRUCTURE FINANCING AUTHORITY
RESOLUTION NO. 31

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, which created and established the Bay Area Infrastructure Financing Authority ("BAIFA"); and

WHEREAS, BAIFA staff has prepared a budget setting forth the anticipated revenues and expenditures of BAIFA for FY 2022-23; now, therefore, be it

RESOLVED, that BAIFA's Operating and Capital Budgets for FY 2022-23, attached hereto as Attachments A, B, and C, and incorporated herein as though set forth in full, is approved; and be it further

RESOLVED, that the Executive Director or designee may approve adjustments among line items in the BAIFA operating and capital budgets for FY 2022-23, provided that there shall be no increase in the overall BAIFA budget without prior approval of BAIFA; and be it further

RESOLVED, that the Executive Director or designee shall submit written requests to BAIFA for approval of consultants, professional services, and expenditures authorized in the BAIFA budget for FY 2022-23; and be it further

RESOLVED, that BAIFA's Executive Director and the Chief Financial Officer are authorized to carry over and re-budget all contracts, projects and funds properly budgeted in the prior year for which expenditures were budgeted and encumbered which will take place in FY 2022-23; and be it further

RESOLVED, that BAIFA's Chief Financial Officer is authorized to establish and restrict an operating reserve equivalent to one year operating revenue and a capital repair and replacement reserve up to the level of accumulated depreciation expense, and to fund the reserve with transfers approved in the annual adopted budget as well as all available funds; and be it further

RESOLVED, that the Chief Financial Officer is authorized to restrict use of all funds remaining after provision for expenses including those related to debt service, development, maintenance, repair, rehabilitation, improvement, reconstruction, administration, and operation, including the operating and capital reserves, to the respective corridor for use on corridor projects to be approved by BAIFA pursuant to California Streets and Highways Code Section 149.7; and

RESOLVED, that BAIFA's Executive Director and Chief Financial Officer are authorized to utilize generally available cash as an advance for project cash flow purposes provided the advanced is repaid from project funds by the close of the fiscal year; and be it further

RESOLVED, that the BAIFA staff shall furnish BAIFA with a quarterly financial report to reflect budgeted and actual income, expenditures, obligations for professional and consultant services and such other information and data as may be requested by BAIFA.

BAY AREA INFRASTRUCTURE FINANCING
AUTHORITY

Alfredo Pedroza, Chair

The above resolution was entered into by the Bay Area Infrastructure Financing Authority at a regular meeting of the Board held in San Francisco, California and at other remote locations, on June 22, 2022.

Date: June 22, 2022
W.I.: 6840, 6861
Referred by: BAIFA

Attachments A, B, and C
BAIFA Resolution No. 31

FY 2022-23 Bay Area Infrastructure Financing Authority (BAIFA)
Operating and Capital Budgets



ATTACHMENT A
BAY AREA INFRASTRUCTURE FINANCING AUTHORITY
OPERATING BUDGET FY 2022-23

BAIFA Resolution No. 31
Date: 6/22/2022
W.I.: 6861, 6863, 6864

EXPRESS LANES REVENUE-EXPENSE SUMMARY

	Actual as of 2/28/2022	Amendment No. 1 FY 2021-22	Draft FY 2022-23	Change % Increase/(Decrease)	Change \$ Increase/(Decrease)
Total Operating Revenue	\$ 39,965,259	\$ 45,753,547	\$ 71,239,395	55.7%	25,485,848
Total Operating Expense	\$ 9,358,533	\$ 26,875,079	\$ 31,332,197	16.6%	4,457,118
Operating Surplus (Shortfall) before Depreciation & Transfer	\$ 30,606,726	\$ 18,878,468	\$ 39,907,198	111.4%	21,028,730
Transfer In/(Out)	\$ (1,980,000)	\$ (4,895,000)	\$ (1,304,593)	-73.3%	3,590,407
Depreciation/Capital Reserve	\$ -	\$ 10,100,000	\$ 15,000,000	48.5%	4,900,000
Total Operating Surplus (Shortfall)	\$ 28,626,726	\$ 3,883,468	\$ 23,602,605	507.8%	19,719,137
Transfer from (to) Operating Reserve	\$ -	\$ (3,883,468)	\$ (23,602,605)	507.8%	(19,719,136)
Beginning Balance	\$ 15,610,493	\$ 10,822,159	\$ 14,705,627		
Ending Balance	\$ 15,610,493	\$ 14,705,627	\$ 38,308,232		

REVENUE DETAIL
BUDGET FY 2022-23

	Actual as of 2/28/2022	Amendment No. 1 FY 2021-22	Draft FY 2022-23	Change % Increase/(Decrease)	Change \$ Increase/(Decrease)
General Toll Revenue (subtotal)	\$ 33,400,909	\$ 38,500,000	\$ 56,000,000	45.5%	17,500,000
EL Toll Revenue	\$ 33,400,909	\$ 38,500,000	\$ 56,000,000	45.5%	17,500,000
Violation Revenue (subtotal)	\$ 6,377,727	\$ 4,056,864	\$ 9,400,000	131.7%	5,343,136
Violations Revenue	\$ 6,377,727	\$ 4,056,864	\$ 9,400,000	131.7%	5,343,136
Interest and Other Revenue	\$ 186,623	\$ 3,196,682	\$ 5,839,395	82.7%	2,642,712
Total Operating Revenue	\$ 39,965,259	\$ 45,753,547	\$ 71,239,395	55.7%	25,485,848

EXPENSE DETAIL
BUDGET FY 2022-23

	Actual as of 2/28/2022	Amendment No. 1 FY 2021-22	Draft FY 2022-23	Change % Increase/(Decrease)	Change \$ Increase/(Decrease)
Operating Expense					
FasTrak Operations and Maintenance (Subtotal)	\$ 3,099,201	\$ 7,719,040	\$ 8,856,984	14.7%	1,137,944
RCSC Operations	\$ 2,339,964	\$ 5,334,040	\$ 5,554,984	4.1%	220,944
Banking/Credit Card Fees	503,014	1,655,000	1,872,000	13.1%	217,000
BATA Financial Services	41,538	270,000	270,000	0.0%	-
Collections/DMV Expenses	214,685	460,000	1,160,000	152.2%	700,000
Express Lanes Operations and Maintenance (Subtotal)	\$ 4,654,917	\$ 12,647,135	\$ 13,444,154	6.3%	797,019
Operating Center	\$ 452,956	\$ 1,181,360	\$ 1,181,825	0.0%	465
California Highway Patrol Enforcement	498,791	346,085	2,100,000	506.8%	1,753,915
Roadway Maintenance	379,661	2,925,000	3,220,000	10.1%	295,000
Caltrans Expenditure	-	700,000	400,000	-42.9%	(300,000)
Toll System Operations & Maintenance	3,209,084	7,004,423	6,041,681	-13.7%	(962,742)
Utility Service	114,425	230,000	230,000	0.0%	-
Backhaul Operations and Maintenance	-	260,267	270,648	4.0%	10,381
Express Lanes Operations and Maintenance Total	\$ 7,754,118	\$ 20,366,175	\$ 22,301,138	9.5%	1,934,963
Express Lanes Administration (Subtotal)	\$ 1,569,578	\$ 3,617,221	\$ 3,614,364	-0.1%	(2,857)
Salaries and Benefits	\$ 994,508	\$ 1,973,434	\$ 1,666,528	-15.6%	(306,906)
Professional/Consultant Service	-	302,317	811,757	168.5%	509,440
Overhead	474,380	987,905	833,264	-15.7%	(154,641)
Audit/Accounting	76,450	110,000	106,500	-3.2%	(3,500)
Insurance	11,210	16,000	15,450	-3.4%	(550)
Other	13,029	227,565	180,865	-20.5%	(46,700)

	Actual as of 2/28/2022	Amendment No. 1 FY 2021-22	Draft FY 2022-23	Change % Increase/(Decrease)	Change \$ Increase/(Decrease)
San Mateo 101 Tolling Operations Services	\$ 34,837	\$ 2,891,682	\$ 5,416,695	87.3%	2,525,012
Depreciation/Capital Reserve	\$ -	\$ 10,100,000	\$ 15,000,000	48.5%	4,900,000
Total Operating Expense	\$ 9,358,533	\$ 36,975,079	\$ 46,332,197	25.3%	9,357,118

L18

TRANSFER DETAIL
BUDGET FY 2022-23

	Actual as of 2/28/2022	Amendment No. 1 FY 2021-22	Draft FY 2022-23	Change % Increase/(Decrease)	Change \$ Increase/(Decrease)
Transfer From/(To)					
Transfer (To)/From MTC	\$ -	\$ -	\$ (224,593)	100.0%	(224,593)
Transfer (To)/From Capital Program	\$ (1,980,000)	\$ (4,895,000)	\$ (1,080,000)	-77.9%	3,815,000
Transfers (To)/From Operating Reserve	\$ -	\$ (3,883,468)	\$ (23,602,605)	507.8%	(19,719,136)
Total Transfer	\$ (1,980,000)	\$ (8,778,468)	\$ (24,907,198)	183.7%	(16,128,730)



ATTACHMENT A
BAY AREA INFRASTRUCTURE FINANCING AUTHORITY
OPERATING BUDGET FY 2022-23

BAIFA Resolution No. 31
Date: 6/22/2022
W.L.: 6861

680 EXPRESS LANES REVENUE-EXPENSE

	Actual as of 2/28/2022	Amendment No. 1 FY 2021-22	Draft FY 2022-23	Change % Increase/(Decrease)	Change \$ Increase/(Decrease)
Total Operating Revenue	\$ 9,467,636	\$ 9,988,820	\$ 14,451,780	44.7%	4,462,960
Total Operating Expense	\$ 3,547,529	\$ 9,036,515	\$ 10,088,403	11.6%	1,051,887
Operating Surplus (Shortfall) before Depreciation & Transfer	\$ 5,920,106	\$ 952,305	\$ 4,363,378	358.2%	3,411,073
Transfer In/(Out)	\$ (1,980,000)	\$ (4,895,000)	\$ (250,000)	-94.9%	4,645,000
Depreciation/Capital Reserve	\$ -	\$ 5,100,000	\$ 3,500,000	-31.4%	(1,600,000)
Total Operating Surplus (Shortfall)	\$ 3,940,106	\$ (9,042,695)	\$ 613,378	-106.8%	9,656,073
Transfer from (to) Reserve	\$ -	\$ 9,042,695	\$ (501,081)	-105.5%	(9,543,776)

REVENUE DETAIL
BUDGET FY 2022-23

	Actual as of 2/28/2022	Amendment No. 1 FY 2021-22	Draft FY 2022-23	Change % Increase/(Decrease)	Change \$ Increase/(Decrease)
General Toll Revenue (subtotal)	\$ 7,113,466	\$ 8,500,000	\$ 11,000,000	29.4%	2,500,000
CC-680 Toll Revenue	\$ 7,113,466	\$ 8,500,000	\$ 11,000,000	29.4%	2,500,000
Violation Revenue (subtotal)	\$ 2,167,547	\$ 1,183,820	\$ 3,200,000	170.3%	2,016,180
Violations Revenue	\$ 2,167,547	\$ 1,183,820	\$ 3,200,000	170.3%	2,016,180
Interest and Other Revenue	\$ 186,623	\$ 305,000	\$ 251,780	-17.4%	(53,220)
Total Operating Revenue	\$ 9,467,636	\$ 9,988,820	\$ 14,451,780	44.7%	4,462,960

EXPENSE DETAIL
BUDGET FY 2022-23

	Actual as of 2/28/2022	Amendment No. 1 FY 2021-22	Draft FY 2022-23	Change % Increase/(Decrease)	Change \$ Increase/(Decrease)
Operating Expense					
FasTrak Operations and Maintenance (Subtotal)	\$ 937,524	\$ 2,300,947	\$ 2,640,091	14.7%	339,144
RCSC Operations	\$ 687,382	\$ 1,576,332	\$ 1,694,476	7.5%	118,144
Banking/Credit Card Fees	156,952	500,000	\$ 576,000	15.2%	76,000
BATA Financial Services	41,538	124,615	\$ 124,615	0.0%	-
Collections/DMV Expenses	51,651	100,000	\$ 245,000	145.0%	145,000
Express Lanes Operations and Maintenance (Subtotal)	\$ 1,860,030	\$ 5,061,681	\$ 5,709,260	12.8%	647,579
Operating Center	\$ 252,419	\$ 649,313	\$ 642,614	-1.0%	(6,698)
California Highway Patrol Enforcement	191,502	26,085	\$ 700,000	2583.5%	673,915
Roadway Maintenance	99,326	1,125,000	\$ 1,330,000	18.2%	205,000
Caltrans Expenditure	-	100,000	\$ 100,000	0.0%	-
Toll System Operations & Maintenance	1,276,714	2,976,781	\$ 2,734,778	-8.1%	(242,004)
Utility Service	40,070	80,000	\$ 80,000	0.0%	-
Backhaul Operations and Maintenance	-	104,502	\$ 121,868	16.6%	17,366
Express Lanes Operations and Maintenance Total	\$ 2,797,554	\$ 7,362,628	\$ 8,349,351	13.4%	986,723

	Actual as of 2/28/2022	Amendment No. 1 FY 2021-22	Draft FY 2022-23	Change % Increase/(Decrease)	Change \$ Increase/(Decrease)	
Express Lanes Administration (Subtotal)	\$ 749,976	\$ 1,673,887	\$ 1,739,051	3.9%	65,165	
Salaries and Benefits	\$ 480,510	\$ 949,523	\$ 814,589	0.0%	(134,934)	L12
Professional/Consultant Service	-	139,531	\$ 382,546	174.2%	243,015	L13
Overhead	229,203	475,333	\$ 407,295	0.0%	(68,038)	L14
Audit/Accounting	25,229	51,000	\$ 49,000	-3.9%	(2,000)	L15
Insurance	3,699	7,000	\$ 6,760	-3.4%	(240)	L16
Other	11,334	51,500	\$ 78,861	53.1%	27,361	L17
Depreciation/Capital Reserve	\$ -	\$ 5,100,000	\$ 3,500,000	-31.4%	(1,600,000)	L18
Total Operating Expense	\$ 3,547,529	\$ 14,136,515	\$ 13,588,403	-3.9%	(548,113)	

TRANSFER DETAIL
BUDGET FY 2022-23

	Actual as of 2/28/2022	Amendment No. 1 FY 2021-22	Draft FY 2022-23	Change % Inc.//(Dec.)	Change \$ Inc.//(Dec.)	
Transfer From/(To)						
Transfer (To)/From MTC	\$ -	\$ -	\$ (112,297)	100.0%	(112,297)	
Transfer (To)/From Capital Program	\$ (1,980,000)	\$ (4,895,000)	\$ (250,000)	-94.9%	4,645,000	
Transfer (To)/From From Capital Reserve	\$ -	\$ -	\$ -	0.0%	-	L20
Transfer (To)/From From Operating Reserve	\$ -	\$ 9,042,695	\$ (501,081)	-105.5%	(9,543,776)	
Total Transfer	\$ (1,980,000)	\$ 4,147,695	\$ (863,378)	-120.8%	(5,011,073)	



ATTACHMENT A
BAY AREA INFRASTRUCTURE FINANCING AUTHORITY
OPERATING BUDGET FY 2022-23

BAIFA Resolution No. 31
Date: 6/22/2022
W.I.: 6864

880 EXPRESS LANES REVENUE-EXPENSE

	Actual as of 2/28/2022	Amendment No. 1 FY 2021-22	Draft FY 2022-23	Change % Increase/(Decrease)	Change \$ Increase/(Decrease)
Total Operating Revenue	\$ 30,497,623	\$ 32,873,044	\$ 51,370,920	56.3%	18,497,875
Total Operating Expense	\$ 5,776,167	\$ 14,946,881	\$ 15,827,099	5.9%	880,218
Operating Surplus (Shortfall) before Depreciation & Transfer	\$ 24,721,456	\$ 17,926,163	\$ 35,543,820	98.3%	17,617,657
Transfer In/(Out)	\$ -	\$ -	\$ (830,000)	0.0%	(830,000)
Depreciation/Capital Reserve	\$ -	\$ 5,000,000	\$ 11,500,000	130.0%	6,500,000
Total Operating Surplus (Shortfall)	\$ 24,721,456	\$ 12,926,163	\$ 23,213,820	79.6%	10,287,657
Transfer from (to) Reserve	\$ -	\$ (12,926,163)	\$ (23,101,524)	0.0%	(10,175,360)

REVENUE DETAIL
BUDGET FY 2022-23

	Actual as of 2/28/2022	Amendment No. 1 FY 2021-22	Draft FY 2022-23	Change % Increase/(Decrease)	Change \$ Increase/(Decrease)
General Toll Revenue (subtotal)	\$ 26,287,443	\$ 30,000,000	\$ 45,000,000	50.0%	15,000,000
AL-880 Toll Revenue	\$ 26,287,443	\$ 30,000,000	\$ 45,000,000	50.0%	15,000,000
Violation Revenue (subtotal)	\$ 4,210,180	\$ 2,873,044	\$ 6,200,000	115.8%	3,326,956
Violations Revenue	\$ 4,210,180	\$ 2,873,044	\$ 6,200,000	115.8%	3,326,956
Interest and Other Revenue	\$ -	\$ -	\$ 170,920	0.0%	170,920
Total Operating Revenue	\$ 30,497,623	\$ 32,873,044	\$ 51,370,920	56.3%	18,497,875

EXPENSE DETAIL
BUDGET FY 2022-23

	Actual as of 2/28/2022	Amendment No. 1 FY 2021-22	Draft FY 2022-23	Change % Increase/(Decrease)	Change \$ Increase/(Decrease)
Operating Expense					
FasTrak Operations and Maintenance (Subtotal)	\$ 2,161,677	\$ 5,418,093	\$ 6,216,893	14.7%	798,800
RCSC Operations	\$ 1,652,582	\$ 3,757,708	\$ 3,860,508	2.7%	102,800
Banking/Credit Card Fees	346,061	1,155,000	\$ 1,296,000	12.2%	141,000
BATA Financial Services	-	145,385	\$ 145,385	0.0%	-
Collections/DMV Expenses	163,034	360,000	\$ 915,000	154.2%	555,000
Express Lanes Operations and Maintenance (Subtotal)	\$ 2,794,887	\$ 7,585,454	\$ 7,734,894	2.0%	149,440
Operating Center	\$ 200,537	\$ 532,047	\$ 539,210	1.3%	7,163
California Highway Patrol Enforcement	307,289	320,000	\$ 1,400,000	337.5%	1,080,000
Roadway Maintenance	280,335	1,800,000	\$ 1,890,000	5.0%	90,000
Caltrans Expenditure	-	600,000	\$ 300,000	0.0%	(300,000)
Toll System Operations & Maintenance	1,932,371	4,027,642	\$ 3,306,904	-17.9%	(720,738)
Utility Service	74,355	150,000	\$ 150,000	0.0%	-
Backhaul Operations and Maintenance	-	155,765	\$ 148,780	-4.5%	(6,985)
Express Lanes Operations and Maintenance Total	\$ 4,956,564	\$ 13,003,547	\$ 13,951,787	7.3%	948,240

	Actual as of 2/28/2022	Amendment No. 1 FY 2021-22	Draft FY 2022-23	Change % Increase/(Decrease)	Change \$ Increase/(Decrease)	
Express Lanes Administration (Subtotal)	\$ 819,602	\$ 1,943,334	\$ 1,875,313	-3.5%	(68,022)	
Salaries and Benefits	\$ 513,998	\$ 1,023,911	\$ 851,939	-16.8%	(171,972)	L12
Professional/Consultant Service	-	162,786	429,211	163.7%	266,424	L13
Overhead	245,177	512,572	425,969	-16.9%	(86,603)	L14
Audit/Accounting	51,222	59,000	57,500	-2.5%	(1,500)	L15
Insurance	7,511	9,000	8,690	-3.4%	(310)	L16
Other	1,695	176,065	102,004	-42.1%	(74,061)	L17
Depreciation/Capital Reserve	\$ -	\$ 5,000,000	\$ 11,500,000	130.0%	6,500,000	L18
Total Operating Expense	\$ 5,776,167	\$ 19,946,881	\$ 27,327,099	100.0%	7,380,218	

TRANSFER DETAIL
BUDGET FY 2022-23

	Actual as of 2/28/2022	Amendment No. 1 FY 2021-22	Draft FY 2022-23	Change % Increase/(Decrease)	Change \$ Increase/(Decrease)	
Transfer From/(To)						
Transfer (To)/From MTC	\$ -	\$ -	\$ (112,297)	100.0%	(112,297)	
Transfer (To)/From Capital Program	\$ -	\$ -	\$ (830,000)	100.0%	(830,000)	
Transfer (To)/From From Operating Reserve	\$ -	\$ (12,926,163)	\$ (23,101,524)	78.7%	(10,175,360)	
Total Transfer	\$ -	\$ (12,926,163)	\$ (24,043,820)	86.0%	(11,117,657)	



ATTACHMENT A
BAY AREA INFRASTRUCTURE FINANCING AUTHORITY
OPERATING BUDGET FY 2022-23

BAIFA Resolution No. 31
Date: 6/22/2022
W.I.: 6863

SM101 OPERATING REVENUE-EXPENSE SUMMARY

	Actual as of 2/28/2022	Amendment No. 1 FY 2021-22	Draft FY 2022-23	Change % Increase/(Decrease)	Change \$ Increase/(Decrease)
Total Operating Revenue	\$ -	\$ 2,891,682	\$ 5,416,695	87.3%	2,525,012
Total Operating Expense	\$ 34,837	\$ 2,891,682	\$ 5,416,695	87.3%	2,525,012
Operating Surplus (Shortfall) before Depreciation & Transfer	\$ (34,837)	\$ -	\$ -	0.0%	0
Transfer In/(Out)	\$ -	\$ -	\$ -	0.0%	0
Depreciation/Capital Reserve	\$ -	\$ -	\$ -	0.0%	0
Total Operating Surplus (Shortfall)	\$ (34,837)	\$ -	\$ -	0.0%	0

REVENUE DETAIL
BUDGET FY 2022-23

	Actual as of 2/28/2022	Amendment No. 1 FY 2021-22	Draft FY 2022-23	Change % Increase/(Decrease)	Change \$ Increase/(Decrease)
General Revenue (subtotal)	\$ -	\$ 2,891,682	\$ 5,416,695	87.3%	2,525,012
SM-101 Reimbursement	\$ -	\$ 2,891,682	\$ 5,416,695	87.3%	2,525,012
Interest Revenue		\$ -	\$ -	N/A	0
Total Operating Revenue	\$ -	\$ 2,891,682	\$ 5,416,695	87.3%	2,525,012

EXPENSE DETAIL
BUDGET FY 2022-23

	Actual as of 2/28/2022	Amendment No. 1 FY 2021-22	Draft FY 2022-23	Change % Inc./ (Dec.)	Change \$ Inc./ (Dec.)	
Operating Expense						
Express Lanes Operations and Maintenance (Subtotal)	\$ 25,594	\$ 2,476,447	\$ 4,478,885	80.9%	2,002,438	
Express Lane Operations Center	\$ 25,594	\$ 144,598	\$ 325,187	124.9%	180,589	L5
Roadway Maintenance		940,000	\$ 1,930,000	105.3%	990,000	L7
Toll System Operations & Maintenance		1,301,108	\$ 2,060,641	58.4%	759,533	L8
Backhaul Operations and Maintenance		90,741	\$ 163,057	79.7%	72,316	L11
Express Lanes Operations and Maintenance Total	\$ 25,594	\$ 2,476,447	\$ 4,478,885	80.9%	2,002,438	
Express Lanes Administration (Subtotal)	\$ 9,243	\$ 415,235	\$ 937,810	125.9%	522,574	
Salaries and Benefits	\$ 9,243	\$ 212,398	\$ 343,067	0.0%	130,669	L12
Professional/Consultant Service		46,510	\$ 323,209	594.9%	276,699	L13
Overhead		106,327	\$ 171,534	0.0%	65,207	L14
Other		50,000	\$ 100,000	100.0%	50,000	L17
Depreciation	\$ -	\$ -	\$ -	0.0%	0	L18
Total Operating Expense	\$ 34,837	\$ 2,891,682	\$ 5,416,695	87.3%	2,525,012	

Attachment B
Bay Area Infrastructure Financing Authority
Express Lanes (EL) LTD Capital Budget ⁽ⁱ⁾

Project Title	Total EL Budget Thru FY2021-22	Proposed FY 2022-23 Budget	Life to Date Project Budget	LTD BATA EL Budget ⁽ⁱⁱⁱ⁾	LTD BAIFA EL Budget
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BAIFA Express Lanes

Program Costs: Planning, Coordination & Management	\$ 28,437,000	\$ -	\$ 28,437,000	\$ 20,254,980	\$ 8,182,020
Centralized Toll System	31,659,778	-	31,659,778	20,980,474	10,679,304
CC-680 Southern Segment Conversion	53,398,590	-	53,398,590	52,420,459	978,131
Capitalized Start-up O&M	15,539,321	-	15,539,321	4,852,589	10,686,732
ALA-880 Conversion ⁽ⁱⁱ⁾	139,098,000	(2,300,000)	136,798,000	104,122,301	32,675,699
CC-680 Northern Segment - Southbound Conversion	53,623,000	-	53,623,000	16,955,242	36,667,758
Program Contingency	2,249,954	-	2,249,954	-	2,249,954
SOL-80 Express Lane Conversion	20,900,000	2,300,000	23,200,000	11,634,064	11,565,936
84/Dumbarton Bridge	323,140	-	323,140	323,140	-
92/San Mateo Bridge	369,303	-	369,303	369,303	-
EL Means-Based Toll Discount	3,000,000	530,000	3,530,000	-	3,530,000
CC-680 Southbound Gap to I-580 ^(iv)	2,325,034	-	2,325,034	-	2,325,034
SOL-80 Toll System Conversion	2,822,000	-	2,822,000	-	2,822,000
BAIFA Express Lanes Total	\$ 353,745,120	\$ 530,000	\$ 354,275,120	\$ 231,912,552	\$ 122,362,568

Other Express Lanes

San Mateo 101	95,000,000	-	95,000,000	-	95,000,000
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Total Express Lanes Capital Budget	\$ 448,745,120	\$ 530,000	\$ 449,275,120	\$ 231,912,552	\$ 217,362,568
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- i - BAIFA Express Lanes Capital Budget is funded by BATA unless it is noted separately
ii - FY2018-19, SAFE transfer in \$3,000,000
iii - BATA transferred the remaining budget balance and fixed asset to BAIFA in FY2019-20
iv - FY 2021-22, funding from reserve per Resolution 0022.



Attachment C
Bay Area Infrastructure Financing Authority
Express Lanes (EL) LTD Rehabilitation Budget

Project Title	FY 2021-22 Budget As Approved	Total Budget Thru FY2021-22 As Recorded	FY 2022-23 Budget	LTD Budget Thru FY2022-23
BAIFA Express Lanes Rehab Capital Program				
TransCore's Spare Parts	\$ 470,000			
680 - Toll System		\$ 250,000	\$ 250,000	\$ 500,000
Datacenter Switches To Upgrade	700,000			
880 - Toll System		220,000	300,000	\$ 520,000
Fiber Reroutes	60,000			
680 - Backhaul		1,960,000	-	\$ 1,960,000
Backhaul Core	1,200,000			
Centralized - Contingency		100,000	-	\$ 100,000
Programmed and Pipelined SHOPP Projects	100,000		-	
BAIFA Express Lanes Total	\$ 2,530,000	\$ 2,530,000	\$ 550,000	\$ 3,080,000



BAY AREA INFRASTRUCTURE FINANCING AUTHORITY (BAIFA)

FY 2022-23 OPERATING & CAPITAL BUDGET

Resolution No. 31

June 22, 2022

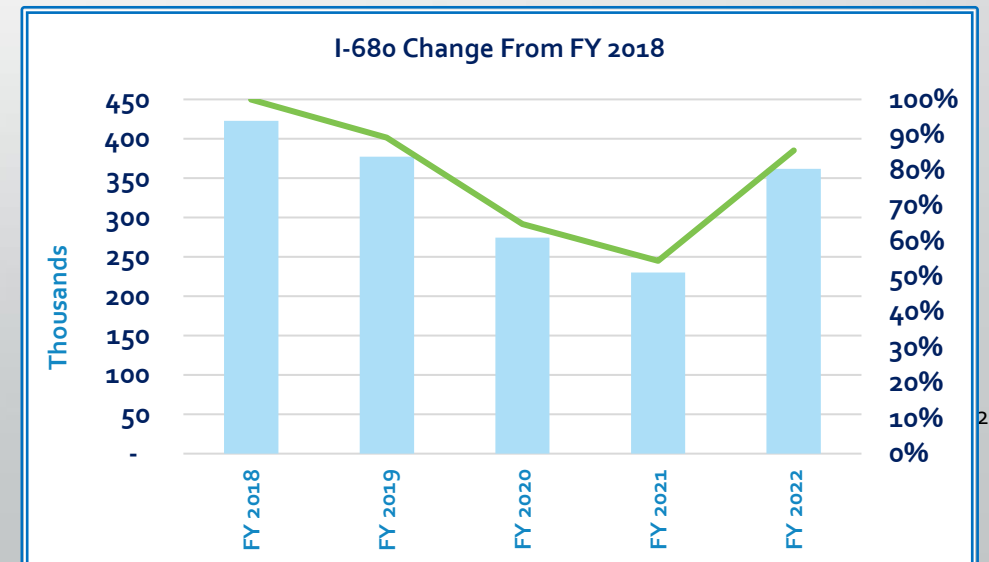
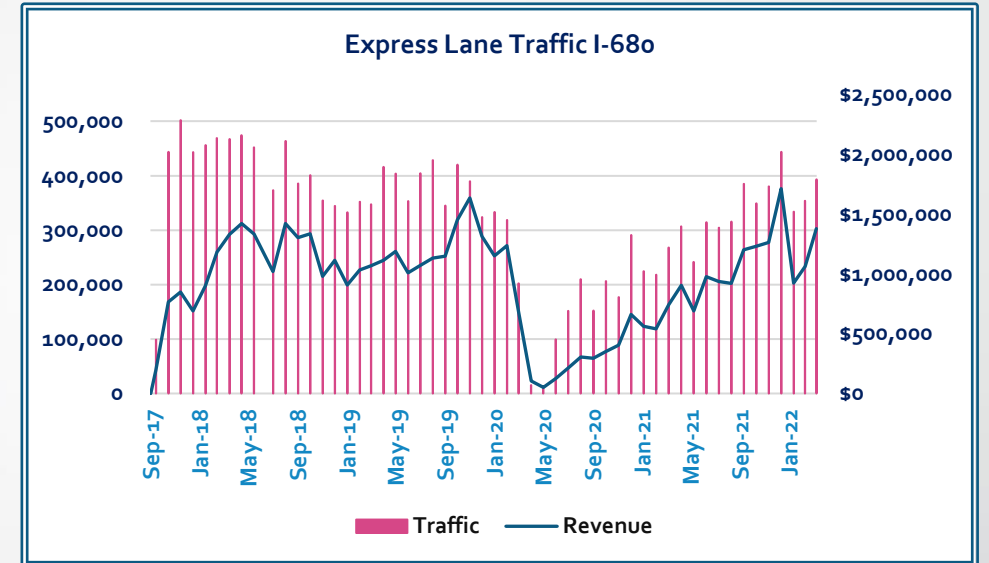
I-68o Traffic

Stopped collecting tolls and violations in March 2020 and restarted in June 2020.

Monthly average monthly traffic is down from FY 2018 when the lane opened but is recovering to pre-pandemic levels

- I-68o had a budgeted operating deficit for FY 2021 of \$2.8 million
- Budgeted operating deficit for FY 2022 is \$2.4 million
- Amended operating surplus for FY 2022 is \$1.0 million

I-68o has over \$15 million in cash reserve to manage until traffic recovers

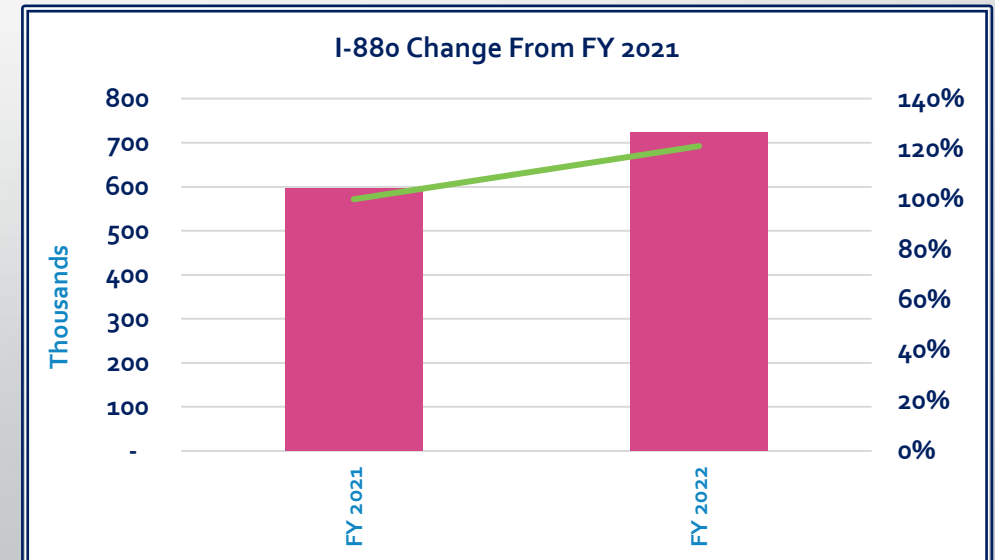
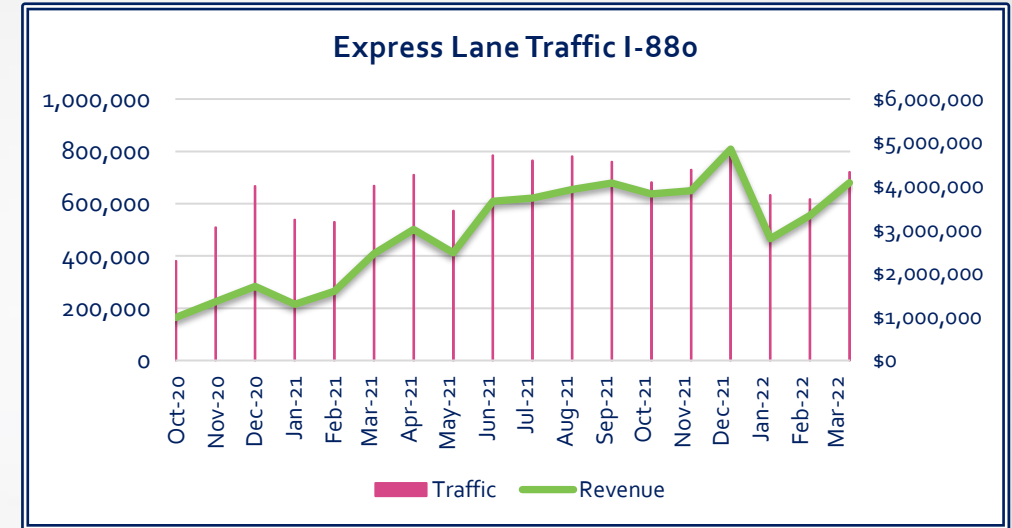


I-88o Traffic

I-88o has opened with strong traffic counts

- Averages 550,000 monthly trips
- Budgeted operating surplus for FY 2022 is \$7.9 million
- Amended operating surplus for FY 2022 is \$17.9 million

I-88o is estimated to contribute \$25 million to reserves for future operations and maintenance and other system needs



BAIFA FY 2022-23 Operating Budget

Estimated Total Surplus

\$23.6M

- Better performance for both I-680 and I-880

Operating Revenue

\$71.2M

- I-880, I-680, SM 101 ramp up adds substantial new revenue
- Violation revenue modeled at current levels – may drop
- “Other” includes US -101 monitoring reimbursement of \$5.5 million

Operating Expense *

\$31.3M

- Increased expenses related to increased utilization of BAIFA express lanes and reimbursed expenses associated with SM 101
- *Before capital reserve and transfers

Surplus transferred to reserves

- Operating reserve equal to one year’s worth of operating revenue
- Capital reserve for repair/replacement

	FY 2021-22 (thousands)	FY 2022-23 (thousands)	Change
Revenue			
I-680 tolls	\$8,500	\$11,000	29%
I-880 tolls	30,000	45,000	50%
SM 101	2,892	5,417	87%
Violation	4,057	9,400	132%
Other	305	423	39%
Total Revenue	\$45,754	\$71,239	56%
Expense			
Fastrak O&M	\$7,719	\$8,857	15%
EX Lane O&M	12,647	13,444	6%
Admin	3,617	3,614	-.1%
Other	2,892	5,417	--
Capital Reserve	10,100	15,000	49%
Transfer Out	4,895	1,305	-73%
Total Expense	\$41,870	\$47,637	14%
Ending Balance (deficit)	\$3,883	\$23,603	

BAIFA FY 2022-23 REHABILITATION PROGRAM

- BAIFA will implement repair and replacement for general system maintenance and repair
- FY 2022-23 additional funding of \$550k for \$3.08 million total BAIFA Rehab budget
- Funding comes from the operating reserve

Project Title	Total Budget FY2021-22	FY 2022-23 Budget	LTD Budget Thru FY2022-23
680 - Toll System	\$ 250,000	\$ 250,000	\$ 500,000
880 - Toll System	220,000	300,000	\$ 520,000
680 - Backhaul	1,960,000	-	\$ 1,960,000
Centralized - Contingency	100,000	-	\$ 100,000
BAIFA Express Lanes Total	\$ 2,530,000	\$ 550,000	\$ 3,080,000

BAIFA FY 2022-23 Capital program

- **Total Express Lane Capital Budget**

- **FY 2021-22 LTD** **\$448.7M**

- **FY 2022-23** **\$449.3M**

- **BAIFA Expense** **\$142.2M**

(Feb 2022)

- **Balance** **\$ 74.7M**

- **Additional funding for FY 2022-23 is only \$530k for costs of project staff**

Project Title	Proposed FY 2022-23 Budget	Life to Date Project Budget	LTD BAIFA EL Budget
BAIFA Express Lanes			
Program Costs: Planning, Coordination & Management	\$ -	\$ 28,437,000	\$ 8,182,020
Centralized Toll System	-	31,659,778	10,679,304
CC-680 Southern Segment Conversion	-	53,398,590	978,131
Capitalized Start-up O&M	-	15,539,321	10,686,732
ALA-880 Conversion ⁽ⁱⁱ⁾	(2,300,000)	136,798,000	32,675,699
CC-680 Northern Segment - Southbound Conversion	-	53,623,000	36,667,758
Program Contingency	-	2,249,954	2,249,954
SOL-80 Express Lane Conversion	2,300,000	23,200,000	11,565,936
84/Dumbarton Bridge	-	323,140	-
92/San Mateo Bridge	-	369,303	-
EL Means-Based Toll Discount	530,000	3,530,000	3,530,000
CC-680 Southbound Gap to I-580	-	2,325,034	2,325,034
SOL-80 Toll System Conversion	-	2,822,000	2,822,000
BAIFA Express Lanes Total	\$ 530,000	\$ 354,275,120	\$ 122,362,568
Other Express Lanes			
San Mateo 101	-	95,000,000	95,000,000
Total Express Lanes Capital Budget	\$ 530,000	\$ 449,275,120	\$ 217,362,568

BAIFA Resolution No. 31



Sets parameters for administration of the approved budget



Authorizes adjustments within adopted budget but no increase to the overall budget is without approval of BAIFA



Authorizes carryover and re-budget of all prior year encumbrances, grants and funds into the adopted budget

- Reserve designation
 - Operating reserve – one full year toll revenue
 - Capital Reserve - equivalent to accumulated depreciation expense

Legislation Details (With Text)

File #:	22-0983	Version:	1	Name:	
Type:	Contract	Status:		Authority Approval	
File created:	5/13/2022	In control:		Bay Area Infrastructure Financing Authority	
On agenda:	6/22/2022	Final action:			
Title:	Services For Express Lanes Backhaul Network				
	i. Purchase Order - Network Consulting Services: SSP Data (\$640,000); and				
	ii. Purchase Order - Telecommunication Services: AT&T (\$205,000)				

A request for approval of purchase orders for consulting and telecommunication services in support of the Metropolitan Transportation Commission (MTC) Express Lanes Network operations on I-680 and I-880 and San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) express lanes operations on US 101 from Palo Alto to Redwood City, and for implementation of new express lanes segments on US 101 from Redwood City to SR-380 and I-80 from Fairfield to Vacaville. Each vendor will be procured using a collaborative intergovernmental procurement agreement (IPA), which satisfies BAIFA's procurement requirements, subject to the approval of BAIFA Resolution No. 31, FY 2022-23 Operating and Capital Budgets.

Sponsors:**Indexes:****Code sections:****Attachments:** [4b - 22-0983 - Express Lanes Backhaul Consulting and Telecommunications.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:

Services For Express Lanes Backhaul Network

- i. Purchase Order - Network Consulting Services: SSP Data (\$640,000); and
- ii. Purchase Order - Telecommunication Services: AT&T (\$205,000)

A request for approval of purchase orders for consulting and telecommunication services in support of the Metropolitan Transportation Commission (MTC) Express Lanes Network operations on I-680 and I-880 and San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) express lanes operations on US 101 from Palo Alto to Redwood City, and for implementation of new express lanes segments on US 101 from Redwood City to SR-380 and I-80 from Fairfield to Vacaville. Each vendor will be procured using a collaborative intergovernmental procurement agreement (IPA), which satisfies BAIFA's procurement requirements, subject to the approval of BAIFA Resolution No. 31, FY 2022-23 Operating and Capital Budgets.

Presenter:

Mark Dinh

Recommended Action:

Authority Approval

Bay Area Infrastructure Financing Authority (BAIFA)

June 22, 2022

Agenda Item 4b - 22-0983

Services For Express Lanes Backhaul Network

- i. Purchase Order – Network Consulting Services: SSP Data (\$640,000); and**
- ii. Purchase Order – Telecommunication Services: AT&T (\$205,000)**

Subject:

A request for approval of purchase orders for consulting and telecommunication services in support of the Metropolitan Transportation Commission (MTC) Express Lanes Network operations on I-680 and I-880 and San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) express lanes operations on US 101 from Palo Alto to Redwood City, and for implementation of new express lanes segments on US 101 from Redwood City to SR-380 and I-80 from Fairfield to Vacaville. Each vendor will be procured using a collaborative intergovernmental procurement agreement (IPA), which satisfies BAIFA's procurement requirements, subject to the approval of BAIFA Resolution No. 31, FY 2022-23 Operating and Capital Budgets.

Background:

The Backhaul is a metropolitan area network established to support BAIFA express lanes tolling operations. It connects the express lanes corridors to the toll system host at the Benicia-Martinez Toll Plaza, the toll operation data centers at Caltrans District 4, and the Bay Area Metro Center located at MTC's San Francisco offices. The Backhaul began operations in October 2017 in support of BAIFA's I-680 Express Lanes in Contra Costa County between Martinez and San Ramon and has expanded to support the I-880 Express Lanes in Alameda County between Oakland and Fremont and SMCEL-JPA's Express Lanes on US 101. In addition, the Backhaul will support the upcoming I-80 Express Lanes in Solano County from Fairfield to Vacaville, and the extension of US 101 Express Lanes up to I-380. BAIFA's investment in the Backhaul leverages existing communications infrastructure owned by Caltrans and Bay Area Rapid Transit (BART) and has been designed to accommodate future use by traffic management systems operated by Caltrans, MTC, and the Bay Area Toll Authority (BATA).

Network Consulting Services – SSP Data (\$640,000): Network consulting services are needed for the upcoming fiscal year for technical review and oversight of the Backhaul implementation, ongoing operations, and coordination with project stakeholders including Caltrans, the express lane toll system integrator, BART, and telecommunications service providers. These services are critical for maintaining the I-680, I-880, and US 101 Express Lanes operations and maintaining the schedule of the US 101 extension and I-80 Express Lanes projects. The purchase order will be procured from SSP Data through a National Cooperative Purchasing Agreement (NCPA) IPA.

Telecommunication Services – AT&T (\$205,000): The Backhaul network on the express lanes corridors primarily consists of fiber optic cable interconnecting toll equipment to hub sites at the ends of each corridor. At the hub sites, leased fiber from BART and third-party companies as well as AT&T leased-line services are utilized to connect the corridors to the host datacenters in Martinez, San Francisco and Oakland. The estimated annual cost of telecommunication services is \$205,000, an increase of approximately \$40,000 from the previous year's estimate. The increase is due to additional circuits needed for US 101 and I-80 corridors. The purchase order will be procured from AT&T through the state of California's CalNet NextGen IPA.

BAIFA's costs related to services for US 101 are reimbursed by SMCEL-JPA under the operations and maintenance agreement between the two agencies.

Attachment A includes a summary of SSP Data's small business and disadvantaged business enterprise status. AT&T is not a small businesses or disadvantaged business enterprises and does not utilize subcontractors for its services.

Recommendation:

- i. Staff recommends that the Authority authorize the Executive Director or designee to issue a purchase order for services in support of the MTC and SMCEL-JPA Express Lanes Networks in an amount not to exceed \$640,000 to SSP Data for Network Consulting Services, subject to the approval of BAIFA Resolution No. 31 - FY 2022-23 Operating and Capital Budgets.

- ii. Staff recommends that the Authority authorize the Executive Director or designee to issue a purchase order for services in support of the MTC and SMCEL-JPA Express Lanes Networks in an amount not to exceed \$205,000 to AT&T for telecommunication services, subject to the approval of BAIFA Resolution No. 31 - FY 2022-23 Operating and Capital Budgets.

Attachments:

- Attachment A: SSP Data Disadvantaged Business and Small Business Enterprise Status;
- Attachment B-1 and B-2: Request for Committee Approval – Summary of Proposed Purchase Orders



Therese W. McMillan

Attachment A

SSP Data – Disadvantaged Business and Small Business Enterprise Status

Firm Name	Role on Project	DBE* Yes	If DBE Yes, List #	DBE No	SBE** Yes	If SBE Yes, List #	SBE No
SSP Data	Network Consulting Services			X	X	56663	

*Denotes certification by the California Unified Certification Program (CUCP).

**Denotes certification by the State of California.

Attachment B-1

REQUEST FOR AUTHORITY APPROVAL

Summary of Proposed Purchase Order

Work Item Nos.: 6843, 6853, 6861, 6864

Consultant: SSP Data
Richmond, CA

Work Project Title: Express Lanes Backhaul Communications Network

Purpose of Project: Installation, operation, and maintenance of Backhaul Communications Network in support of the MTC Express Lanes

Brief Scope of Work: Provide network consulting services for the Backhaul Communications Network

Project Cost Not to Exceed: \$640,000

Funding Source: BAIFA Express Lanes Program Operating Budget

Fiscal Impact: Funding is subject to adoption of the FY 2022-23 BAIFA Operating and Capital Budgets (BAIFA Resolution No. 31).

Motion by Authority: That the Executive Director or designee is authorized to issue a purchase order to SSP Data for services described above and in the BAIFA Summary Sheet dated June 22, 2022 and the Chief Financial Officer is authorized to set aside \$640,000 for such purchase order, subject to approval of the FY 2022-23 BAIFA Operating and Capital Budgets.

BAIFA:

Alfredo Pedroza, Chair

Approved: June 22, 2022

Attachment B-2

REQUEST FOR AUTHORITY APPROVAL

Summary of Proposed Purchase Order

Work Item Nos.: 6843, 6853, 6861, 6864

Consultant: AT&T
Aurora, IL

Work Project Title: Express Lanes Backhaul Communications Network

Purpose of Project: Installation, operation, and maintenance of Backhaul Communications Network in support of the MTC Express Lanes

Brief Scope of Work: Provide telecommunication services for the Backhaul Communications Network

Project Cost Not to Exceed: \$205,000

Funding Source: BAIFA Express Lanes Program Operating Budget

Fiscal Impact: Funding is subject to adoption of the FY 2022-23 BAIFA Operating and Capital Budgets (BAIFA Resolution No. 31).

Motion by Authority: That the Executive Director or designee is authorized to issue a purchase order to AT&T for services described above and in the BAIFA Summary Sheet dated June 22, 2022 and the Chief Financial Officer is authorized to set aside \$205,000 for such purchase order, subject to approval of the FY 2022-23 BAIFA Operating and Capital Budgets.

BAIFA:

Alfredo Pedroza, Chair

Approved: June 22, 2022

Legislation Details (With Text)

File #:	22-0895	Version:	1	Name:	
Type:	Resolution	Status:		Authority Approval	
File created:	4/27/2022	In control:		Bay Area Infrastructure Financing Authority	
On agenda:	6/22/2022	Final action:			
Title:	BAIFA Toll Facility Ordinance Amendment				

A recommendation to adopt proposed changes to BAIFA's existing 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: [4c - 22-0895 - BAIFA Toll Facility Ordinance Amendment.pdf](#)
[4c - 22-0895 - Attachment C Adoption Presentation.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:

BAIFA Toll Facility Ordinance Amendment

A recommendation to adopt proposed changes to BAIFA's existing 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:

Authority Approval

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

June 22, 2022

Agenda Item 4c - 22-0895

BAIFA Toll Facility Ordinance Amendment

Subject:

A recommendation to adopt proposed changes to BAIFA's existing 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:

This item brings to BAIFA for adoption a proposed amended and restated Toll Facility Ordinance, which specifies tolling rules for BAIFA's express lanes and is required by statute to enforce toll violations (refer to Attachments A.1 and A.2 for clean and track changes versions, respectively).

In addition to clean-up text, 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. If approved, the Authority would have the ability to authorize the toll discount pilot for low-income drivers on the I-880 Express Lanes, which is the subject of a separate action item on BAIFA's June 2022 meeting agenda.

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. Approval by resolution, which is consistent with the practices of other Bay Area express lanes tolling agencies, reduces the time and cost to implement changes while preserving the public's ability to comment on proposed changes prior to decision-maker approval at a duly noticed BAIFA meeting. An information item on reducing violation penalties is presented in Item 5a.

Change #3: Define Emergency Authority

This update 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 for its duration – until BAIFA's next meeting, at which time BAIFA will determine whether to continue the Executive Director's action or take some other action. 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.

Public Outreach:

On May 25, 2022, BAIFA held a public hearing after a 35-day written public comment period from April 20, 2022 through May 24, 2022 at 5:00 p.m. Throughout, the proposed amended and restated Toll Facility Ordinance and fact sheets were posted on MTC's website at <https://mtc.ca.gov/express-lanes-policies>. In addition to the Public Hearing, public outreach to encourage public comment included the following features:

- A Notice of Public Hearing was published in newspaper, including Spanish and Chinese newspapers, and through a multilingual MTC press release.
- A paid social media campaign on Facebook and Instagram was run in English, Spanish and Chinese with a link to a short survey form to gauge support and submit comments.
- A promotional advertisement was placed on the 511 website.
- Emails inviting public feedback were sent to local legislators, government and community-based organizations to leverage their contact networks.

Issues:

BAIFA must decide whether to adopt the proposed changes as recommended or with revisions. During the public comment period, BAIFA received 1,744 survey responses (1,328 in English; 194 in Spanish and 222 in Chinese), 1 email comment and 2 in-person comments at the May 25 public hearing (refer to the complete list of all comments posted at <https://mtc.ca.gov/express-lanes-policies>). Staff read every comment and summarized significant themes to inform decision-making in Attachment B. Below is staff's recommendation on how to proceed with each of the three proposed changes to the ordinance.

Public Comment on Change #1: Enable Tolling Pilots

Very few people commented on BAIFA having the authority to do tolling pilots in general. Staff thinks the idea makes sense to the public and recommends BAIFA amend its toll ordinance to enable tolling pilots in general. That said, there is both strong support for and strong opposition to piloting a toll discount program for low-income drivers on BAIFA's I-880 Express Lanes, and many people commented on this specific pilot. Support was largely for equity reasons in recognition of improving access and affordability. Opposition was for reasons including opposition to tolling, the principle of treating everyone equally, concerns about potential fraud, and impacts on express lanes performance and tolls. There were ideas to change the pilot, too. Staff will respond to public comment on the I-880 Express Lanes toll discount program in item 4d in which BAIFA will consider approval of the pilot.

Public Comment on Change #2: Allow Modifications to Violation Penalty Amounts and Exceptions by Board Resolution

A significant majority of people who submitted comments either 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. Some people supported high penalties to discourage cheating, while others supported lower penalties or income-based penalties for equity reasons. Some asked for better enforcement of express lane rules. Some mentioned the need to forgive first-time offenders. Based on the comments, staff believes that amending the toll ordinance to allow modifications to violation penalty amounts and exceptions to penalties by board resolution makes sense. This will save time and cost and staff would continue to conduct outreach processes that meet BAIFA's standards for public engagement.

Public Comment on Change #3: Define Emergency Authority

A significant majority of people who submitted comments support or are neutral to the idea of defining the Executive Director's authority in an emergency. Most comments were about the need to define the term 'emergency', set clear limits on the Executive Director's authority and allow everyone to use the lanes toll-free during emergencies. The proposed ordinance text already defines the term 'emergency' and requires Executive Director actions in response to an

emergency to be reviewed at the first BAIFA meeting held after the emergency. Therefore, staff recommends amending the toll ordinance to define emergency authority.

Recommendations:

Staff recommends the Authority adopt the proposed amended and restated Toll Facility Ordinance.

Attachments:

- Attachment A.1: Proposed BAIFA Amended and Restated Toll Facility Ordinance (clean)
- Attachment A.2: Proposed BAIFA Amended and Restated Toll Facility Ordinance (track changes)
- Attachment B: Public Comment Summary
- Attachment C: Adoption Presentation



Therese W. McMillan

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

July 27, 2016

(as amended and restated January 22, 2020, 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. 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 10. 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 11. 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 12. 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 13. 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

Alfredo Pedroza, 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 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*
I-680 San Ramon to Martinez Five zones southbound: <ol style="list-style-type: none"> 1. Monument Zone: Marina Vista Avenue to Monument Boulevard 2. South Main Zone: Monument Boulevard to South Main Street 3. El Cerro Zone: South Main Street to El Cerro Boulevard 4. Crow Canyon Zone: El Cerro Boulevard to Crow Canyon Road 5. Alcosta Zone: Crow Canyon Road to Alcosta Boulevard Two zones northbound: <ol style="list-style-type: none"> 6. Crow Canyon Zone: Alcosta Boulevard to Crow Canyon Road 7. Livorna Zone: Crow Canyon Road to Livorna Road 	\$0.50	Monday to Friday from 5AM to 8PM	100% for two or more persons (HOV 2+)	50%
I-880 Oakland to Milpitas Six zones southbound: <ol style="list-style-type: none"> 1. Washington/238 Zone: Hegenberger Road to Washington Avenue/238 2. Tennyson Zone: Washington Avenue/238 to Tennyson Road 3. Alvarado-Niles Zone: Tennyson Road to Alvarado-Niles Road 4. Thornton Zone: Alvarado-Niles Road to Thornton Avenue 5. Auto Mall Zone: Thornton Avenue to Auto Mall Parkway 6. Dixon Landing Zone: Auto Mall Parkway to Dixon Landing Road Five zones northbound: <ol style="list-style-type: none"> 7. Auto Mall Zone: Dixon Landing Road to Auto Mall Parkway 8. Mowry Zone: Auto Mall Parkway to Mowry Avenue 9. Decoto/84 Zone: Mowry Avenue to Decoto Road/84 10. Whipple Zone: Decoto Road/84 to Whipple Road 11. Hesperian/238 Zone: Whipple Road to Hesperian Boulevard/238 	\$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).*

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

Penalties for Violations

All Violations

1st Notice
Toll + \$25 penalty

2nd Notice
Toll + \$70 penalty

Exceptions:

1. If the violation is determined to be the fault of the toll agency.
2. For 1st time offense, a non-customer can open a FasTrak® account prior to DMV registration hold or collections and the 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 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).

**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

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*
I-680 San Ramon to Martinez Five zones southbound ** : <ol style="list-style-type: none"> 1. Monument Zone: Marina Vista Avenue to Monument Boulevard 2. South Main Zone: Monument Boulevard to South Main Street 3. El Cerro Zone: South Main Street to El Cerro Boulevard 4. Crow Canyon Zone: El Cerro Boulevard to Crow Canyon Road 5. Alcosta Zone: Crow Canyon Road to Alcosta Boulevard Two zones northbound: <ol style="list-style-type: none"> 6. Crow Canyon Zone: Alcosta Boulevard to Crow Canyon Road 7. Livorna Zone: Crow Canyon Road to Livorna Road 	\$0.50	Monday to Friday from 5AM to 8PM	100% for two or more persons (HOV 2+)	100% until the I-880 Oakland to Milpitas Toll Facility opens to paying traffic, at which time the CAV Discount shall be 50%
I-880 Oakland to Milpitas Six zones southbound: <ol style="list-style-type: none"> 1. Washington/238 Zone: Hegenberger Road to Washington Avenue/238 2. Tennyson Zone: Washington Avenue/238 to Tennyson Road 3. Alvarado-Niles Zone: Tennyson Road to Alvarado-Niles Road 4. Thornton Zone: Alvarado-Niles Road to Thornton Avenue 5. Auto Mall Zone: Thornton Avenue to Auto Mall Parkway 6. Dixon Landing Zone: Auto Mall Parkway to Dixon Landing Road Five zones northbound: <ol style="list-style-type: none"> 7. Auto Mall Zone: Dixon Landing Road to Auto Mall Parkway 8. Mowry Zone: Auto Mall Parkway to Mowry Avenue 9. Decoto/84 Zone: Mowry Avenue to Decoto Road/84 10. Whipple Zone: Decoto Road/84 to Whipple Road 11. Hesperian/238 Zone: Whipple Road to Hesperian Boulevard/238 	\$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

1st Notice
Toll + \$25 penalty

2nd Notice
Toll + \$70 penalty

Exceptions:

1. If the violation is determined to be the fault of the toll agency.
2. For 1st 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).

Attachment B Public Comment Summary

Note: The purpose of this summary is to acknowledge and respond to frequently made public comments, with a focus on areas of concern. Comments are grouped into four categories, the first three of which align with proposed changes to BAIFA's Toll Facility Ordinance: 1) enable tolling pilots, 2) allow modifications to violation penalty amounts and exceptions to penalties by board resolution, 3) define emergency authority, and 4) other comments. Within each comment category, comment themes are roughly ordered from most to least mentioned with a corresponding staff response. A complete list of the 1,747 individual public comments received between April 20, 2022 and May 24, 2022 (including one e-mail comment and two in-person comments from BAIFA's May 25 Public Hearing) broken out by language (English, Spanish, Chinese) are posted at www.mtc.ca.gov/express-lanes-policies.

1. Comments on enabling tolling pilots

Comment Theme	Staff Response
<p>Many people think BAIFA should undertake a toll discount pilot and many others think it should not.</p> <p>People who want to undertake the pilot support it from an equity standpoint. They want to improve access to express lanes for those who cannot afford to pay the full toll.</p> <p>People who do not want to undertake the pilot oppose it for a variety of reasons.</p> <p>Some think a toll discount pilot is a solution to a problem created by express lanes and that BAIFA should end tolling on express lanes. Others think BAIFA should lower tolls for everyone.</p> <p>Some think that BAIFA should treat everyone the same and not pit one group (low income) against another group (middle class). Some think the middle class is not factored into decisions or is left out of solutions, and more should be done to support the middle class in the pricey Bay Area.</p>	<p>Staff is proposing a toll discount pilot on BAIFA's I-880 Express Lanes as a learning opportunity on how to address equity and affordability issues for low-income drivers.</p> <p>Many people are opposing the idea of a toll discount program as a way of protesting against express lanes. Express lanes are a regional strategy to support mobility options. Express lanes use tolling and technology to keep traffic moving, giving carpoolers, bus riders and solo drivers the choice for a more reliable trip. Tolls change to manage traffic and speeds; lower tolls would undermine performance.</p> <p>Staff acknowledges the Bay Area's high cost of living and the affordability challenge it presents for people with a variety of income levels. The pilot is a demonstration of limited</p>

<p>Some have concerns about fraud in terms of people misrepresenting their eligibility or sharing their discount with others.</p> <p>Some think that allowing low-income drivers to use the express lane for less will result in more cars in the express lane, slowing the express lane and increasing tolls for everyone. Some do not want to pay for low-income drivers to use the express lanes.</p> <p>A few think a toll discount pilot could encourage low-income drivers to spend money on a service they don't really need.</p> <p>A few think low-income people would be better served by investing in public transit.</p> <p>A few think it may be too complicated and costly to administer a toll discount program.</p>	<p>duration. If after the evaluation BAIFA decides to implement the program on a wider basis, BAIFA may wish to consider whether the benefits should be expanded to other income levels.</p> <p>Staff shares concerns about fraud. Staff plans to monitor unusual account and trip activity and is considering a policy to allow BAIFA to act on suspected fraud. Toll discount pilot rules could be tailored to address fraud.</p> <p>Staff will evaluate the toll discount pilot's impact on express lane performance and posted tolls.</p> <p>Staff will evaluate the benefit participants perceive through focus groups in the pilot evaluation.</p> <p>While public transit is important, it is not always a viable option for essential trips.</p> <p>Staff will analyze the administrative burden and cost of the toll discount program in the pilot evaluation.</p>
<p>Some people suggested changes to the toll discount pilot.</p> <p>Some think the income threshold needs to account for the Bay Area's cost of living.</p> <p>Some think eligibility should be expanded to include other groups of people (for example, seniors, people with disabilities and their helpers, pregnant women, corridor residents, veterans, students and Uber/Lyft drivers).</p> <p>A few suggested a discount amount which ranged from 10% off to toll-free.</p>	<p>Staff proposes the toll discount pilot use the same income threshold as the Clipper START transit fare discount program for ease and speed of implementation (200% of the federal poverty level), but acknowledges it is low.</p> <p>Staff does not recommend expanding eligibility for the pilot, but BAIFA may consider expanded eligibility after evaluating the pilot. Staff recommends using income as the eligibility criterion for consistency with other programs, including Clipper Start.</p> <p>Staff researched the discount amount with potential low-income drivers and, based on</p>

<p>A few suggested those who use the express lanes more frequently need the discount most.</p> <p>A few suggested discounts on bridge tolls since low-income drivers cannot avoid them.</p>	<p>their input, recommends 50% off all tolled trips on BAIFA's I-880 Express Lanes.</p> <p>Staff does not think frequency of use of the express lane should be an eligibility criterion or affect the discount amount. Express lanes are meant to be an occasional choice for any solo drivers, not a daily choice for some.</p> <p>BAIFA's authority is limited to BAIFA's express lanes. The Bay Area Toll Authority, which is responsible for the seven state-owned toll bridges and operates the FasTrak® toll collection system and Regional Customer Service Center, is undertaking a comprehensive Equity Action Plan to review its policies from an equity perspective.</p>
<p>Of the few comments on pilots in general, most people said that it made sense to give BAIFA the authority to do pilots or wanted more information or examples to decide.</p>	<p>In its outreach, staff put focus on the toll discount pilot to provide the public an opportunity to comment on the specific pilot BAIFA is considering. As a result, public comment overwhelmingly focuses on this particular pilot rather than pilots in general. While staff has no other official pilot plans, another example of a future pilot could be to allow the use of a smartphone app in lieu of a toll tag to declare occupancy.</p>

2. Comments on allowing violation penalty amounts and exceptions to penalties by board resolution

Comment Theme	Staff Response
<p>Some people stated that changing penalty amounts needs to follow a public process.</p> <p>Some people only support changing penalties by board resolution to reduce penalties, not to increase penalties.</p> <p>Some people are suspicious of government and think unelected decision-makers are not accountable. They think penalties should be</p>	<p>Changing violation penalty amounts and exceptions to penalties by board resolution would retain the need for a public action at a duly-noted BAIFA meeting.</p> <p>If adopted, BAIFA would be able to reduce or increase violation penalties by board resolution. Staff intends to recommend BAIFA approve lower violation penalties subsequent to adoption of the ordinance amendment.</p>

<p>voted on by the people or at least by elected decision-makers.</p>	<p>BAIFA is a mix of elected and appointed decision-makers from the nine-county Bay Area. BAIFA follows a public process to amend its Toll Facility Ordinance. The level of effort spent by staff to collect, analyze, and report on public sentiment to BAIFA demonstrates public accountability.</p>
<p>Comments on penalty amounts varied.</p> <p>Some people commented on their support for no penalties, lower penalties, or income-based penalties for equity and affordability reasons. For the latter, a few think higher penalties for wealthy people might be necessary to keep them from violating. Some people perceive the wealthy are not affected by the cost of violating and view a ticket as part of the annual cost of commuting.</p> <p>A similar number of people support raising penalties or having the same penalty for everyone. These people have little sympathy for rule breakers since there are signs along the express lane to warn people about violating. These people think penalties exist for compliance and should be enforced; they are concerned that lower penalties would result in less compliance.</p>	<p>Staff intends to recommend BAIFA approve lower violation penalties for everyone on its express lanes subsequent to adoption of the toll ordinance amendment in coordination with the other Bay Area express lanes operators. Staff would continue to collect data on tolls and violation penalties paid in addition to other enforcement-related data to assess the impact of lower penalties.</p>
<p>Some people identify the need for more enforcement to discourage drivers from breaking express lanes rules including incorrectly setting toll tags to travel toll-free, driving around toll readers to avoid tolls, and crossing double-white lines.</p>	<p>There are two types of enforcement in express lanes: automated toll violation enforcement by the express lanes toll system and manual enforcement by the California Highway Patrol (CHP). Currently, CHP is the only way to enforce incorrect toll tag settings, driving around readers and crossing double white lines. While BAIFA pays CHP to perform daily enforcement, some people flout the rules and are not caught. Staff is piloting two technologies to verify the number of people in a carpool for potential</p>

	express lanes use. Staff will continue to work with CHP on enforcement strategies to reduce violations.
Some people emphasize the need for BAIFA to be forgiving since the express lanes are confusing and to offer violators a grace period to correct for a violation. While offering forgiveness for first-time offenders, repeat offenders should be punished. A few people commented about the need for payment plans.	BAIFA, through the FasTrak Customer Service Center, already waives violation penalties for first-time express lanes violators who sign up for FasTrak. Staff is closely following BATA's Equity Action Plan and its work on payment plans for future applicability to express lanes.
A few people commented on the need to fix violation policies that result in significant penalties relative to the toll amount.	Staff intends to recommend BAIFA approve lower violation penalties for everyone on its express lanes in the next few months. Staff is closely following BATA's work on BATA's Equity Action Plan for applicability to express lanes.

3. Comments on defining emergency authority

Comment Theme	Staff Response
Some people think that the term 'emergency' needs to be clearly defined.	In the proposed amendment to the Toll Facility Ordinance, 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". Examples of an emergency are the COVID-19 pandemic, an earthquake or a wildfire. A car accident that affects traffic would not qualify as an emergency.
Some people think BAIFA should allow everyone toll-free access to the express lane during emergencies.	During an emergency, typically the California Highway Patrol provides direction on how to use the lanes and BAIFA complies.
Some people are suspicious of giving too much power to a single person, the BAIFA	The Executive Director would have the authority to suspend or reduce tolls or penalties, or modify hours of operation, HOV

Executive Director, and think there should be clear limits on their authority.	requirements or any other policy set forth in the ordinance to respond to an emergency for its duration until BAIFA's next meeting, at which time BAIFA would evaluate the Executive Director's action and determine whether to continue to follow their action or take some other action.
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4. Other comments

Comment Theme	Staff Response
<p>People who want an end to express lanes tolling often voiced strong opposition when responding to survey questions throughout.</p> <p>Some stated they already paid taxes to build the lanes and should not have to pay again to drive on them. Some think everyone should have equal access to public roads; freeways should be free.</p> <p>Some think express lanes cause traffic in the neighboring general purpose lanes.</p> <p>Some think express lanes only or mostly benefit the rich.</p> <p>Some think express lanes undermine carpooling and clean air efforts and a return to carpool lanes is needed.</p>	<p>Express lanes use tolling and technology to keep traffic moving, giving carpoolers, bus riders and solo drivers the choice for a more reliable trip. Previously, solo drivers could not use the HOV lane during commute hours, and there was no technology to ensure its performance. No one is required to use express lanes.</p> <p>Staff regularly analyzes traffic data to compare current and past corridor performance. In general, the traffic volumes in the general purpose lanes next to BAIFA's I-880 and I-680 Contra Costa express lanes continue to increase since the beginning of the COVID-19 pandemic but are still less crowded than before the pandemic.</p> <p>Staff recognizes equity is a legitimate concern with express lanes and is committed to exploring how to address it in a regional context that includes other Bay Area express lanes and bridge toll operators. This concern is the genesis of the toll discount pilot program for low-income drivers on BAIFA's I-880 Express Lanes.</p>

	<p>While it would be nice for only carpools and clean air vehicles to be allowed to use express lanes, under-performing HOV lanes show that the status quo does not work. The Bay Area has introduced technology to monitor and enforce the lanes better and tolls to help manage demand and pay for operations and maintenance. Placing a price on excess capacity while maintaining reliable travel times for all users of the express lanes should encourage people to use carpools and buses.</p>
<p>Some want to change express lanes rules, mostly to return to past HOV lane policy. Some people want the carpool requirement to be two people to travel toll-free, not three people. Some people want the hours of operation to be the morning and evening peaks only.</p>	<p>Before BAIFA converted the I-880 HOV lanes to express lanes, there were too many cars in the HOV lanes, and the majority were 2-person carpools. If 2-person carpools were still toll-free, the I-880 Express Lanes performance would still be degraded.</p> <p>All Bay Area express lanes operate from 5am-8pm. Consistency of hours across toll facilities is important to keep rules simple for the customer. BAIFA's express lanes operate during these hours and have not caused significant freeway traffic congestion in the middle of the day per data reported quarterly (www.mtc.ca.gov/express-lanes under 'related documents').</p>
<p>Some complained of high express lane tolls.</p>	<p>Express lanes must meet federal speed requirements. Tolls change based on traffic to keep the express lanes moving better than the general purpose lanes. Lowering tolls during periods of heavy traffic would undermine performance.</p>
<p>Some suggested the need to fix technology, lane design and customer service to address issues like toll tag misreads, crossing double-white lines and disputing violations, respectively.</p>	<p>Staff constantly monitors the performance of the express lane systems and customer service. Staff works diligently to address and resolve performance issues when discovered.</p>

Some want express lanes to be approved by ballot initiative.	The California Transportation Commission (CTC) is responsible for authorizing express lanes in the State. The CTC approved MTC's application to implement and operate its 270-mile express lanes network in Alameda, Contra Costa and Solano counties on October 27, 2011. MTC delegated its authority to BAIFA in April 2013.
Some want to build new freeway lanes, not convert existing lanes to toll lanes.	Conversion of existing HOV lanes is the fastest and least expensive way to improve mobility and reliability. New toll lanes where there is no existing HOV lane and where right-of-way exists to add a lane needs to be considered in context with environmental considerations.
Some people are confused about how to use express lanes and the rules.	Customers can find information about how to use express lanes at 511.org and BayAreaFasTrak.org .
Some people wanted more information to answer the question.	Staff provided a fact sheet to explain changes being considered by BAIFA while trying to be mindful of the balance between providing too much information and not enough.
A few want to know how toll revenue is spent and think it should fund highway repair (which they don't think is happening).	Paying for express lanes operating and maintenance costs is top priority. Statute dictates other eligible expenses. BAIFA intends to adopt a toll revenue expenditure plan once there is more certainty about long-term revenues. The COVID-19 pandemic continues to affect 'normal' Bay Area traffic patterns.

Adoption: Proposed Bay Area Infrastructure Financing Authority Toll Facility Ordinance Amendment

Pierce Gould

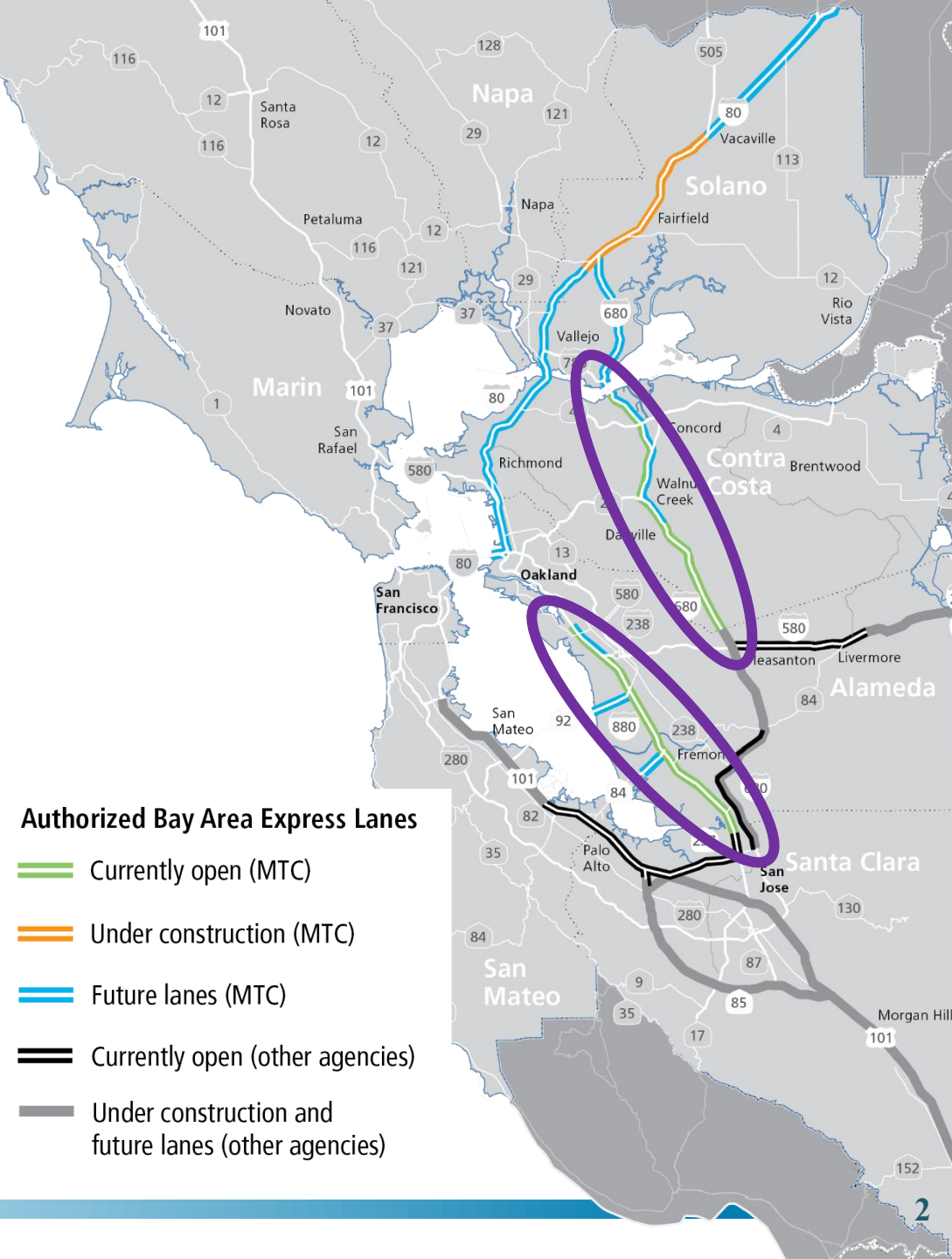
pgould@bayareametro.gov

June 22, 2022



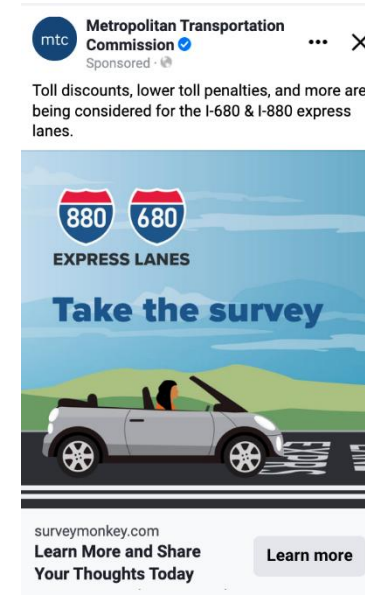
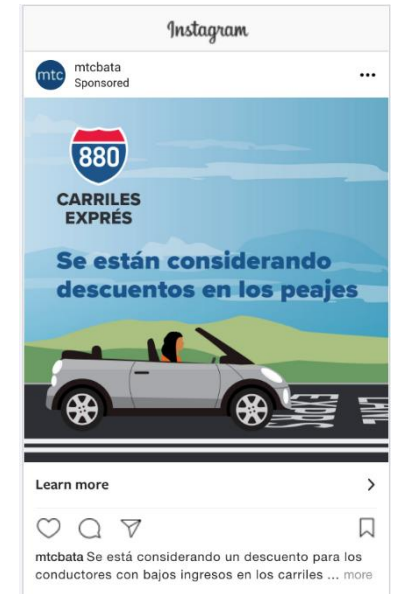
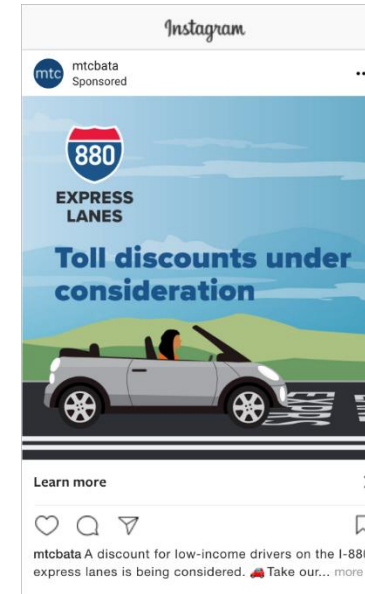
Toll Ordinance Overview

- Allows BAIFA to enforce toll violations on express lanes: I-680 in Contra Costa County and I-880 in Alameda County
- Documents BAIFA's toll policy in context of HOV policy
- Adopted July 2016 before I-680 opened; amended January 2020 to add I-880 and clean air vehicle tolling and September 2020 to extend I-680
- Today's action: adoption vote



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 Facebook and Instagram campaigns
- Encouraged public comment via survey



Proposed Changes to the Toll Ordinance

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



Public Comment

Public Comment	English	Spanish	Chinese	Total
By Survey	1,328	194	222	1,744
By Email or In Person	3			3
Total	1,331	194	222	1,747

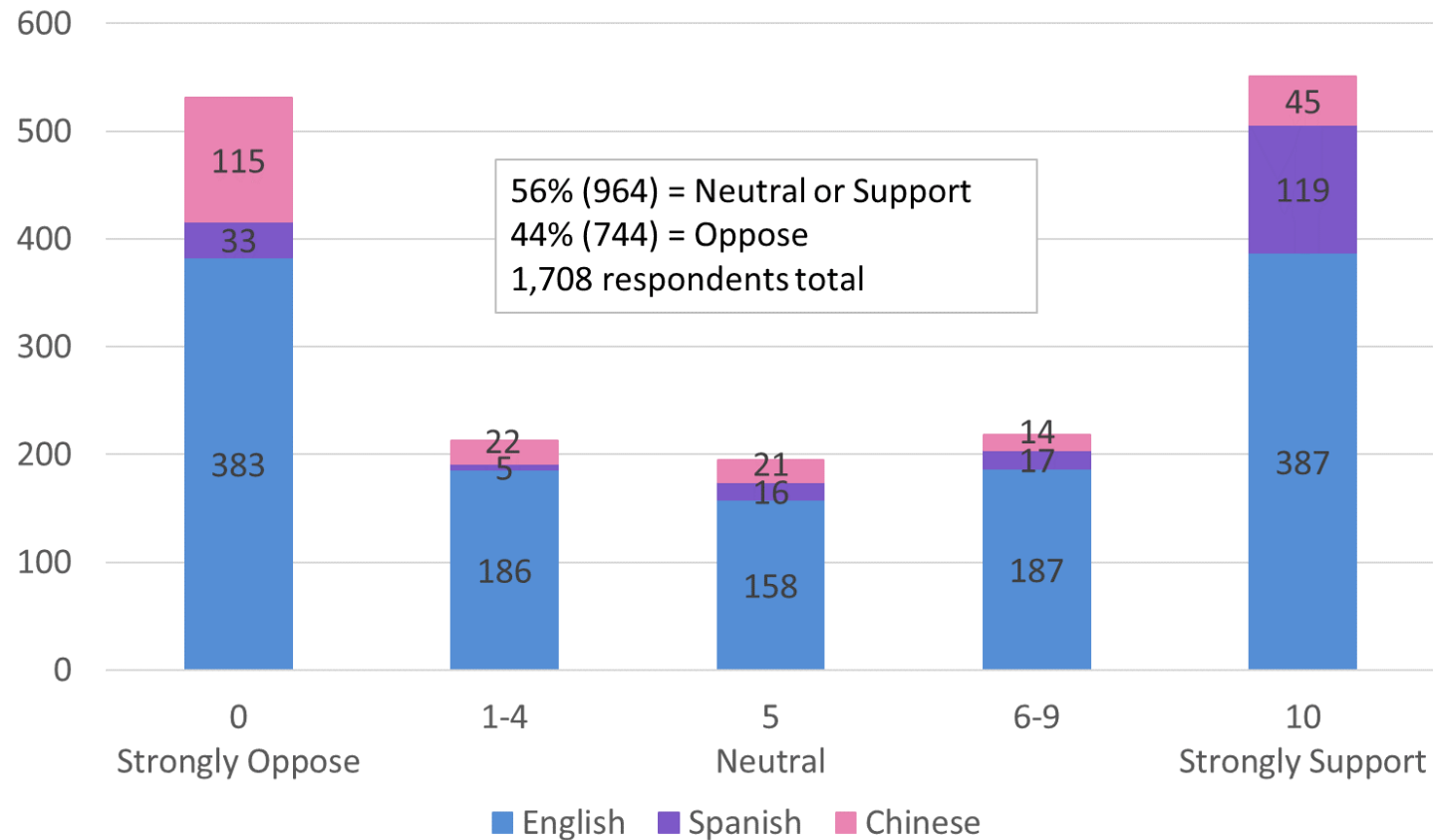
Comment Topic	English	Spanish	Chinese	Total
Tolling Pilots	596 (45%)	71 (37%)	71 (32%)	738 (42%)
Penalties by Resolution	395 (30%)	48 (25%)	21 (9%)	464 (27%)
Emergency Authority	309 (23%)	23 (12%)	17 (8%)	349 (20%)
Other	344 (26%)	30 (15%)	18 (8%)	392 (22%)
Total	1,644	172	127	1,943

Percents are relative to Total Public Comment and do not add to 100 because people commented on more than one topic.

Refer to list of all public comments at: www.mtc.ca.gov/express-lanes-policies

Change #1: Enable Tolling Pilots

How do you feel about offering a discount for low-income drivers on the I-880 Express Lanes for a trial period?



Language	Responses
English	1,301
Spanish	190
Chinese	217
Total	1,708

Public Comment on Tolling Pilots

Very few comments about general authority to conduct pilots.

Many comments focus on low-income toll discount pilot.

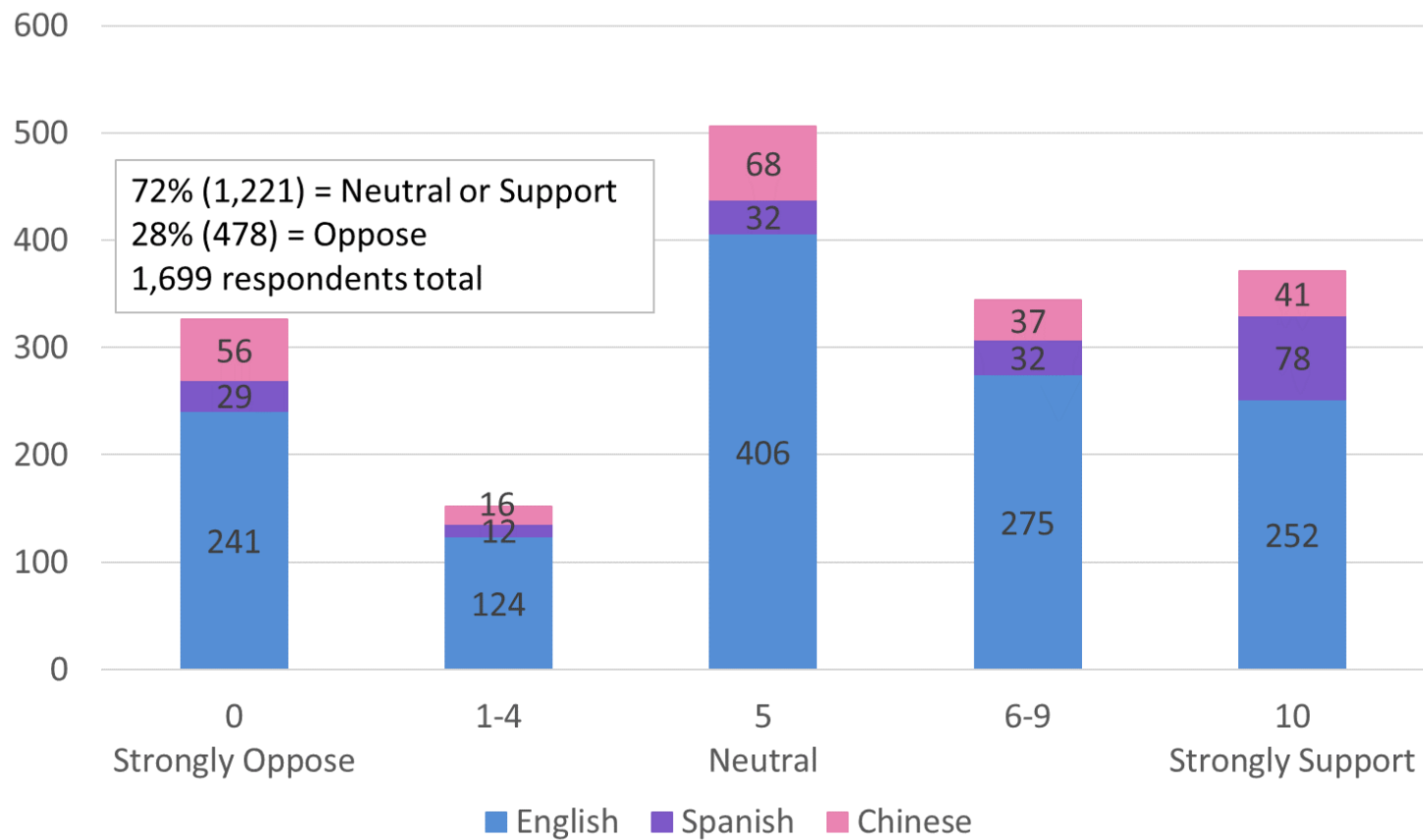
- Reasons to support: equity
- Reasons to oppose: anti-express lane tolls; treat everyone equal; potential fraud; impact on express lanes performance and tolls
- Ideas to change pilot: align income threshold with Bay Area cost of living; expand qualification beyond income

Staff position:

- Approve enabling pilots.
- Consider low-income toll discount pilot concerns in BAIFA agenda item 4d.

Change #2: Modify Penalties by Resolution

How do you feel about allowing future updates to toll violation penalty amounts and exceptions to be made by board resolution at a public meeting?



Language	Responses
English	1,298
Spanish	183
Chinese	218
Total	1,699

Public Comment on 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
- Forgive first-time offenders

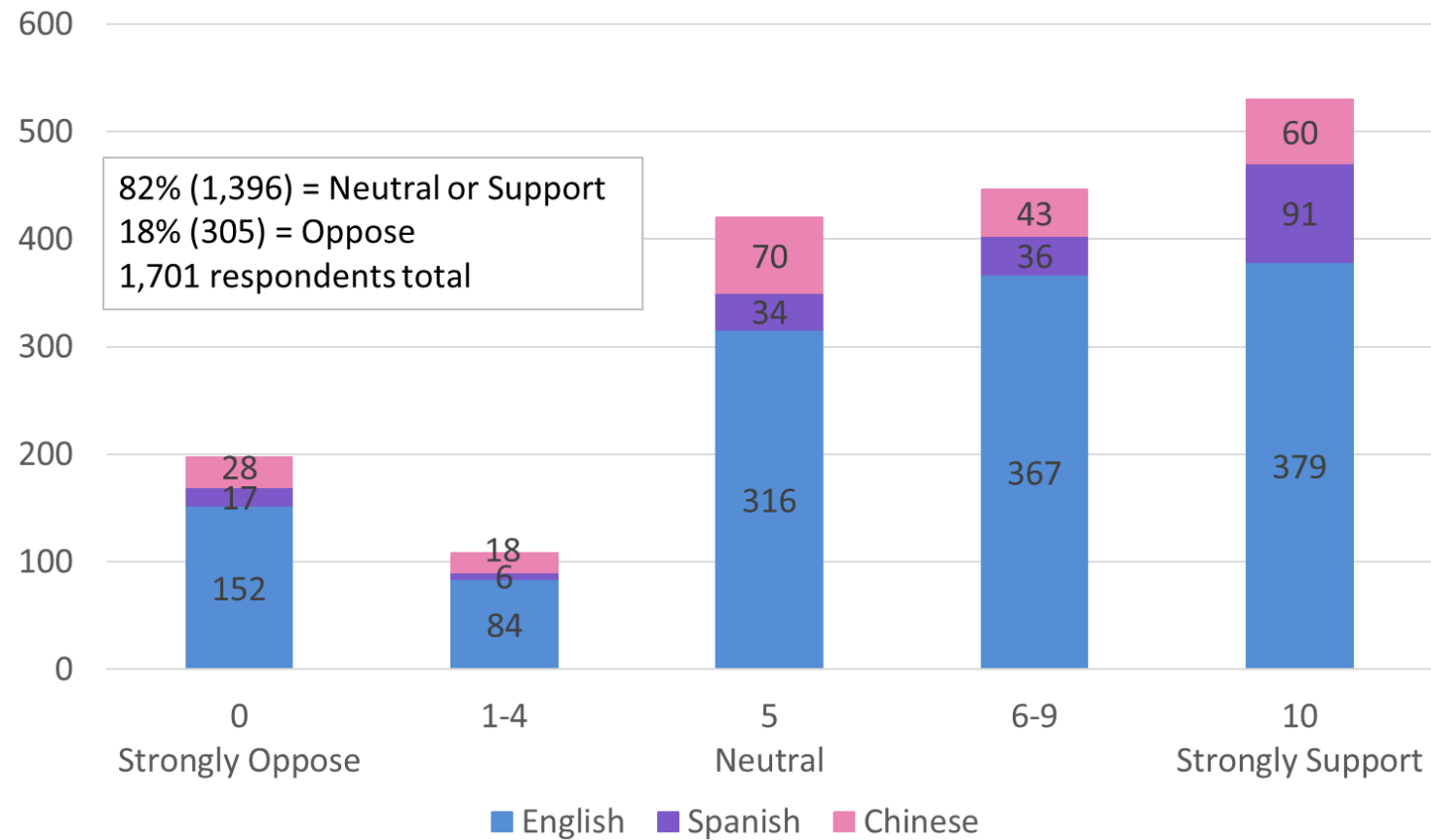
Improve enforcement (mis-setting toll tags; avoiding toll gantries; crossing double-lines).

Staff position:

- Approve allowing changes to penalty amounts and exceptions by resolution, a public process.
- Consider penalty reduction in future BAIFA action.

Change #3: Define Emergency Authority

How do you feel about defining the BAIFA executive director’s authority to respond to emergencies?



Language	Responses
English	1,298
Spanish	184
Chinese	219
Total	1,701

Public Comment on Emergency Authority

Define 'emergency'.

Set limits on Executive Director authority.

Cease tolling and open express lane in an emergency.

Staff position:

- Proposed ordinance text already defines 'emergency' and sets limits on Executive Director authority.
- Approve emergency authority.

Other Public Comment

Opposition to express lanes.

- Reasons: double-taxation; cause traffic; benefits the wealthy; carpools only

Return to past carpool lane hours (peaks only) and occupancy (HOV2+, not 3+).

Lower express lanes tolls.

Fix technology, lane design and customer service issues.

Build new freeway lanes, not convert existing lanes to express lanes.

Staff position:

- Refer to Attachment C for staff responses.

Toll Ordinance Amendment Schedule

- Public comment from April 20 to May 24
- Public hearing on May 25
- Recommendation: Adopt amended ordinance on June 22
- If approved, amended ordinance would take effect after 30 days
- More information at mtc.ca.gov/express-lanes-policies



Legislation Details (With Text)

File #:	22-0894	Version:	1	Name:	
Type:	Resolution	Status:		Authority Approval	
File created:	4/27/2022	In control:		Bay Area Infrastructure Financing Authority	
On agenda:	6/22/2022	Final action:			
Title:	I-880 Express Lanes Means-Based Toll Discount Pilot				

Approval to pilot a means-based toll discount on the I-880 Express Lanes, subject to adoption of the, amended and restated BAIFA Toll Facility Ordinance on June 22, 2022 and subsequent 30-day waiting period for the toll facility ordinance to become effective.

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

Attachments: [4d - 22-0894 - I-880 Express Lanes Toll Discount Pilot Approval.pdf](#)
[4d - 22-0894 - Attachment A Presentation.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:

I-880 Express Lanes Means-Based Toll Discount Pilot

Approval to pilot a means-based toll discount on the I-880 Express Lanes, subject to adoption of the, amended and restated BAIFA Toll Facility Ordinance on June 22, 2022 and subsequent 30-day waiting period for the toll facility ordinance to become effective.

Presenter:

Pierce Gould

Recommended Action:

Authority Approval

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

June 22, 2022

Agenda Item 4d - 22-0894

I-880 Express Lanes Means-Based Toll Discount Pilot

Subject:

Approval to pilot a means-based toll discount on the I-880 Express Lanes, subject to adoption of the, amended and restated BAIFA Toll Facility Ordinance on June 22, 2022 and subsequent 30-day waiting period for the toll facility ordinance to become effective.

Background:

Nationally, the means-based toll discount pilot would be a first-of-its-kind effort to address affordability of express lane tolls for residents earning a low income. For most Bay Area households, transportation is the third-biggest monthly expense after the cost of housing and food. The pilot responds to policymaker, advocate, and public comments received about express lanes during the project performance evaluation phase of Plan Bay Area 2050, at Commission and Policy Advisory Council Equity & Access Subcommittee meetings, and at public hearings in 2019 and 2020 to amend BAIFA's toll ordinance for I-880 and the I-680 Express Lanes extension. The pilot would leverage the systems, services, policies and lessons from Clipper START®, MTC's means-based transit fare discount program. For brand consistency, the program would be called Express Lanes START.

Staff has regularly updated BAIFA on progress to design and develop the pilot, including:

- December 2020 – Staff presented the initial pilot concept, including the rationale for choosing the I-880 Express Lanes, the goals, a budget and a preliminary schedule.
- March 2021 – Staff sought feedback on its customer engagement plans.
- November 2021 – Staff shared the results of customer engagement and a refined concept for how the pilot would work, including the income threshold (same as Clipper START) and discount amount.
- April 2022 – Staff reviewed plans to evaluate the pilot and for public outreach to support pilot launch and operations.

Throughout the design and development process, staff also sought feedback from the MTC Policy Advisory Council's Equity and Access Subcommittee and a separate Advisory Group of

stakeholders on key topics. Given the pilot's equity focus, staff especially engaged potential pilot customers in pilot design and evaluation plans through a series of focus groups.

Staff has received necessary approvals to deliver the pilot, including:

- Change order with the Salesforce contractor to build an application management system through which customer applications would be accepted and approved;
- Change order with the FasTrak® customer service center contractor for back office system changes to enable a discount plan for pilot customers;
- Change order with the Clipper® STARTSM eligibility verifier to perform eligibility verification and provide customer support services related to the application process;
- New contract to collect and analyze traffic data to support pilot evaluation;
- New contract for marketing and outreach services to drive awareness and enrollment; and
- New contracts with four community-based organizations to support outreach and serve as walk-in centers to support the enrollment process.

To support readiness for a quick public deployment by the end of 2022, work is well underway. If approved, the pilot would operate for 18 months at a total cost of up to \$3.6 million for capital development and start-up operations and maintenance. Qualified pilot participants would receive 50% off tolled trips in the I-880 Express Lanes. A comprehensive evaluation would be performed on the first 12 months of operations.

Issues:

Subject to adoption of an amended and restated BAIFA Toll Facility Ordinance on June 22, 2022, BAIFA will have the authority to carry out pilot projects to test alternate tolling and discount policies and new technologies for up to 36 months by separate board action. Approval of the I-880 Express Lanes Toll Discount Pilot would be the first use by BAIFA of this new authority.

In response to a survey to solicit public comment about the June 22 Toll Facility Ordinance amendment, 56% of about 1,700 survey respondents either supported or were neutral to the idea of proceeding with the I-880 Express Lanes Means-Based Toll Discount Pilot. Support was largely for equity reasons in recognition of improving access and affordability. Opposition was for reasons including general opposition to tolling, the principle of treating everyone equally,

concerns about potential fraud, and impacts on express lanes performance and tolls. Staff acknowledges that this pilot is proposed as an approach to addressing equity in express lanes for people with low incomes. The concept of equity is different than the perspective that everyone should pay the same toll regardless of income. MTC's Equity Platform aims to give historically underserved and marginalized groups of people, including people with low incomes and communities of color, access to the same opportunities. Staff believes that its plan to evaluate the pilot will shed light on public concerns related to fraud, express lanes performance and tolls.

Some survey respondents suggested changes to the pilot such as making sure the income threshold accounts for the Bay Area's high cost of living and expanding qualification beyond income. Staff intends for the eligibility threshold to be 200% of the federal poverty level (\$27,000 for 1 person; \$55,000 for 4 persons; \$93,000 for 8 persons) for consistency with Clipper START and ease of pilot implementation. In addition, staff does not intend to expand pilot eligibility beyond income and having a Bay Area address. These criteria allow a wide variety of people to qualify for the pilot program. The pilot will include a thorough evaluation, and BAIFA may wish to consider changes to eligibility based on pilot results.

Fiscal Impact:

No additional impact. BAIFA previously approved \$3.0 million for pilot start-up costs in the FY 2020-21 Express Lanes Capital Budget and MTC programmed \$900,000 of federal Surface Transportation Block Grant funds for pilot evaluation in June 2021.

Recommendation:

Staff recommends that the Authority approve means-based toll discount pilot on the I-880 Express Lanes, subject to adoption of the amended and restated BAIFA Toll Facility Ordinance on June 22, 2022 and subsequent 30-day waiting period for the toll facility ordinance to become effective.

Attachments:

- Attachment A: I-880 Express Lanes Toll Discount Program Pilot Approval Presentation



Therese W. McMillan



BAIFA (Bay Area Infrastructure Financing Authority)

I-880 Express Lanes Toll Discount Program Pilot: Approval

Pierce Gould, MTC Express Lanes

MTC Operations Equity Initiatives



Transit Fare
Discount Pilot



Equity Action Plan

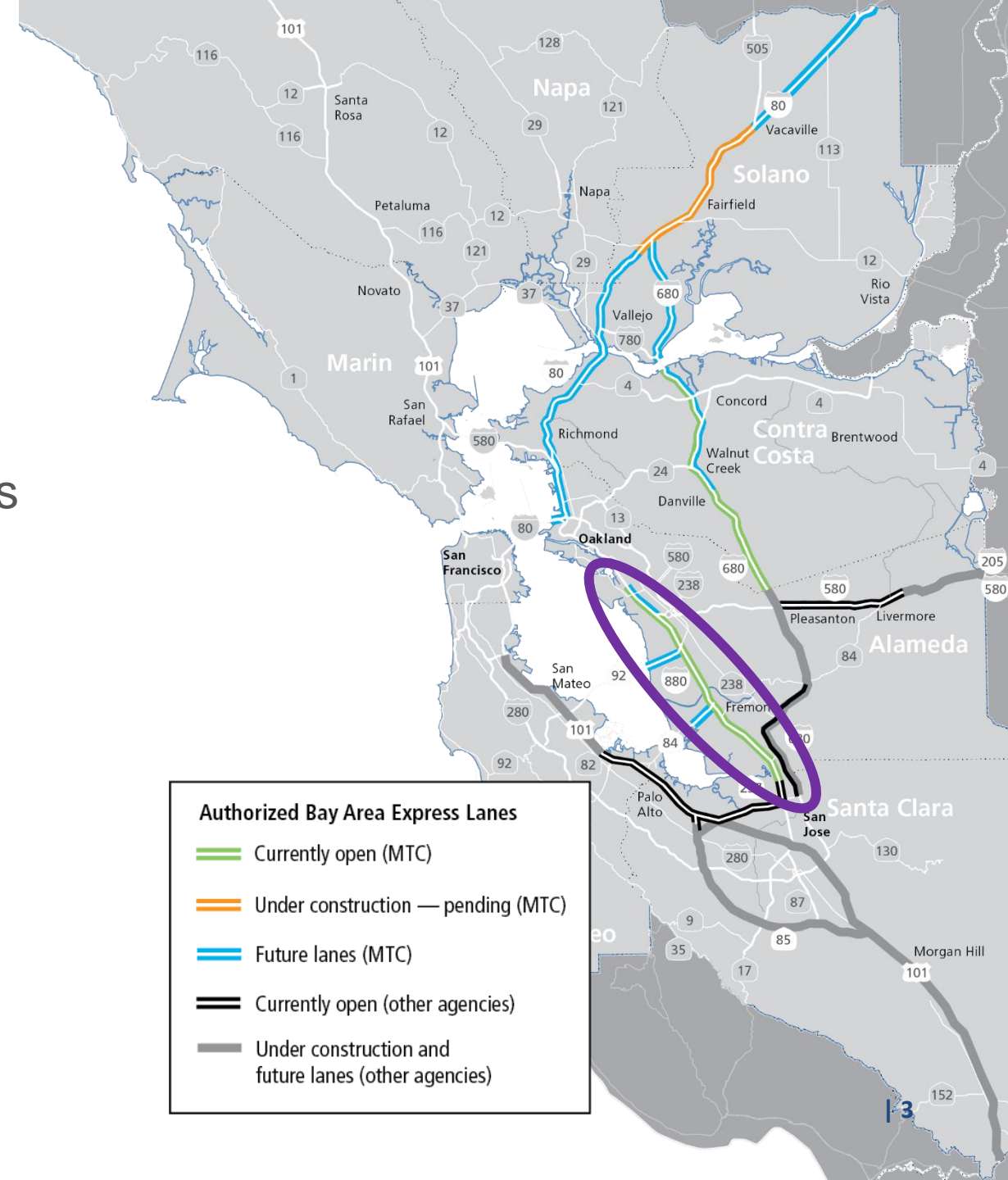
Today



Express Lanes
Toll Discount Pilot

Overview

- Transportation is third-largest budget item for low-income households
- Issue: express lanes costs for low-income drivers serve as a barrier; transit not always a viable option
- Expand mobility and access to opportunity with a means-based toll discount
- Leverage tools, rules and lessons of Clipper[®] STARTSM
- Advance and apply an equity approach
- Today: request approval for pilot



Stakeholder Engagement

Policy Advisory Council Equity and Access Subcommittee

- June 2020: pilot overview
- October 2020: pilot work planning; corridor selection
- April 2021: equity statement; goals; stakeholder and customer engagement plan
- July 2021: draft concept; customer research update; evaluation plan
- October 2021: customer research results; final concept
- April 2022: public outreach plan

Advisory Group

- March 2021: pilot overview; customer engagement plan
- May 2021: equity statement; goals; draft concept; technical systems
- July 2021: evaluation plan
- October 2021: customer research results; final concept
- March 2022: public outreach plan; tolls and revenue projections

BAIFA

- December 2020: pilot overview; corridor selection; goals; budget; schedule
- March 2021: customer engagement plan
- November 2021: customer research results; final concept
- April 2022: evaluation plan; public outreach plan
- June 2022: pilot approval

Customer Engagement

- 10 focus groups with 87 potential customers (4 in English, including 1 with Black community; 3 in Spanish; 3 in Chinese)
- 1 telephone town hall in English with simultaneous translation in Spanish and Cantonese
- 1 focus group with community-based organization staff who serve potential customers



Focus Groups with Potential Customers

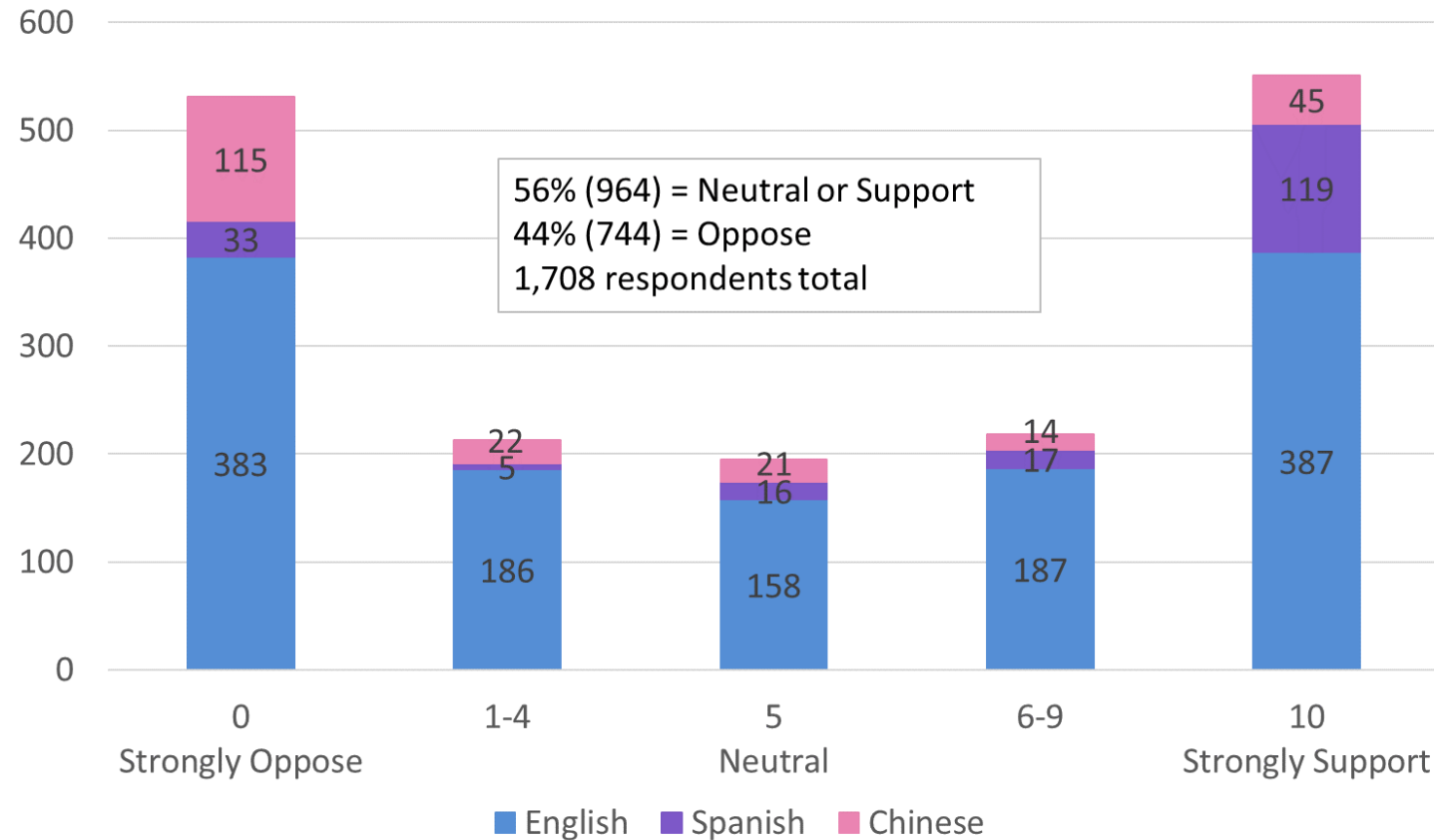
- Recruitment: low income; different household sizes; live in/drive 880 corridor (mix of race; gender; age; language; banked/unbanked; employed/unemployed; FasTrak®/no FasTrak®)
- Topics:
 - 1A (FasTrak): FasTrak/express lane experience; toll discount concept; barriers
 - 1B (no FasTrak): FasTrak; toll discount concept; barriers
 - 2 (FasTrak mix): FasTrak experience; travel patterns; toll discount concept; outreach
 - 3 (FasTrak mix): toll discount program outreach and messaging; barriers

Focus Group	Asian & Pacific Islander	Black or African American	Hispanic or Latino	White Non-Hispanic	Other*	Male	Female	Total
1A	10	1	9	4	1	8	17	25
1B	10	4	8	4		12	14	26
2	11	3	11	1	2	8	20	28
3		8					8	8
Total	31	16	28	9	3	28	59	87

*American Indian or Alaska Native (1); Middle Eastern (1); Multi-Racial (1)

Public Engagement

How do you feel about offering a discount for low-income drivers on the I-880 Express Lanes for a trial period?



Language	Responses
English	1,301
Spanish	190
Chinese	217
Total	1,708

Proposed Toll Discount Program

- Must be verified as eligible (same as Clipper START):
 - Proof of identity
 - Proof of household income at or below 200% Federal poverty level
 - Bay Area mailing address
- Must have FasTrak[®] account
- 50% or more off tolls in the I-880 Express Lanes

I-880 Express Lanes	SOV	HOV2	CAV	HOV3+
Standard Toll Rates	Full toll	50% off	50% off	No toll
Income Qualified Toll Rates	50% off	75% off*	75% off*	No toll

**50% off the standard toll rate of 50% off for HOV2 or Clean Air Vehicle (CAV) equals 75% off the full toll*

Eligible drivers would pay less in the I-880 Express Lanes



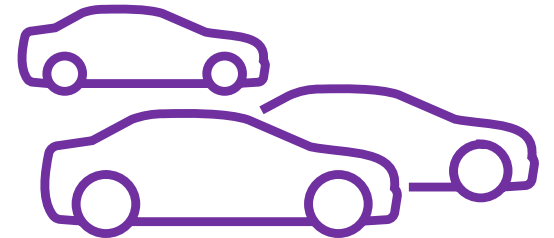
**GET APPROVED FOR
TOLL DISCOUNT**



**ACTIVATE DISCOUNT
IN BAY AREA
FASTRAK® ACCOUNT**



**KEEP A POSITIVE
BALANCE IN BAY AREA
FASTRAK® ACCOUNT**



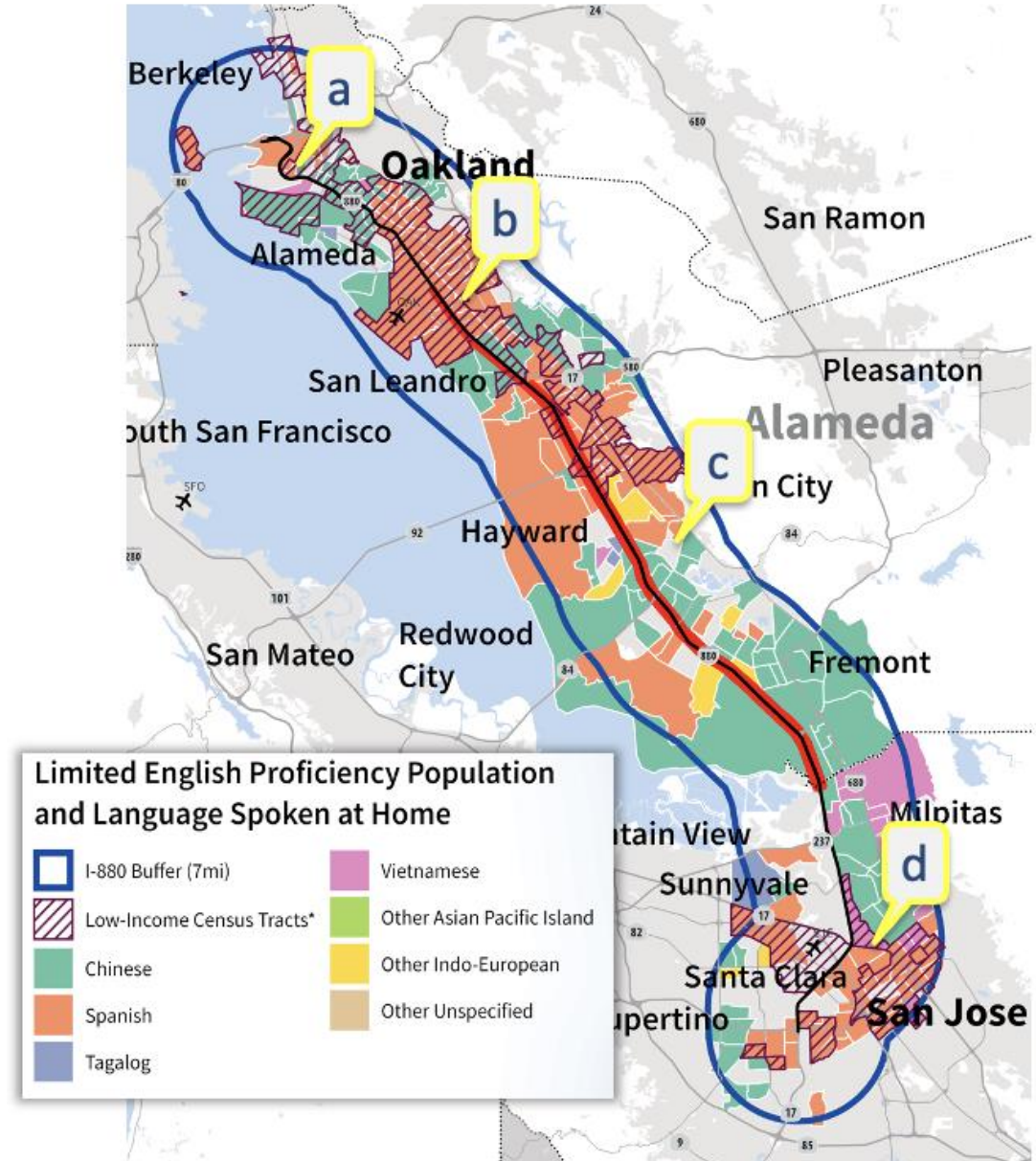
**USE THE I-880 EXPRESS LANES
(DISCOUNT IS AUTOMATIC)**

Simple Enrollment Process

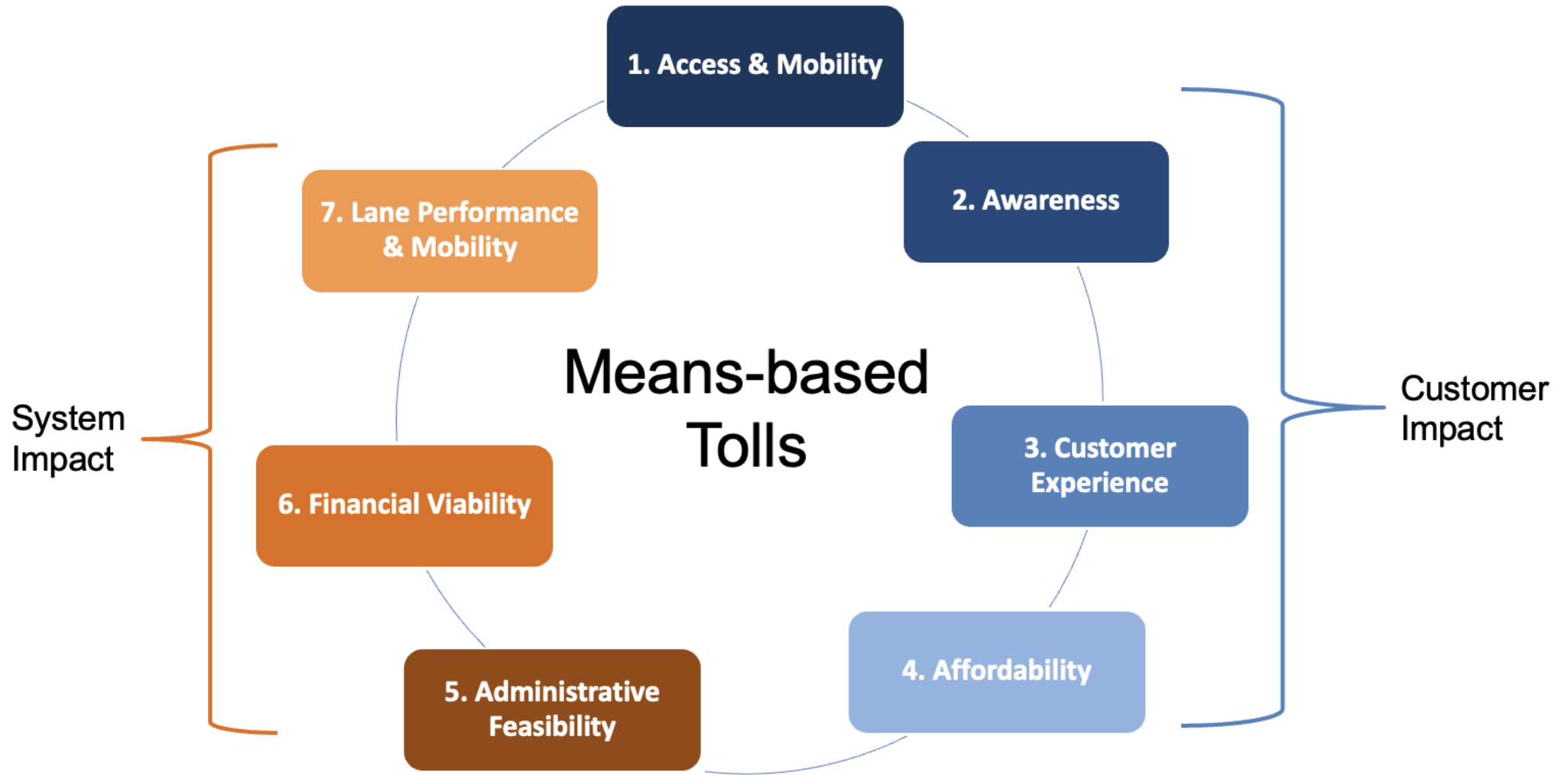


Prioritized Outreach for Enrollment

- Focus on areas of high low-income population density
- Deploy in-language campaign resources throughout the corridor
- Conduct multicultural outreach including to East Oakland Black community
- Concentrate media spend near walk-in hub locations (a-d in graphics)



Evaluation Plan: Desired Outcomes



Next Steps

- If BAIFA approves pilot, project launch in late 2022. Schedule risks remain
- Staff to complete systems development, prepare for operations, implement outreach campaign and initiate evaluation plan

Work Area	Q1 2022	Q2 2022	Q3 2022	Q4 2022	Q1 2023	Q2 2023	Q3 2023	Q4 2023
Toll Ordinance								
Technical Systems								
Data & Evaluation								
Operations								
Customer Outreach								

Anticipated
Pilot Launch

Legislation Details (With Text)

File #:	22-0893	Version:	1	Name:	
Type:	Resolution	Status:		Authority Approval	
File created:	4/27/2022	In control:		Bay Area Infrastructure Financing Authority	
On agenda:	6/22/2022	Final action:			
Title:	Revision to BAIFA Toll Violation Penalties				

An information update on a recommendation from Bay Area Express Lanes operators to reduce express lanes toll violation penalties to \$10 + \$20 for the first and second notice (for a total of \$30 due at the time of the second notice).

Sponsors:**Indexes:****Code sections:****Attachments:** [5a - 22-0893 - Revisions to BAIFA Toll Violation Penalties.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:

Revision to BAIFA Toll Violation Penalties

An information update on a recommendation from Bay Area Express Lanes operators to reduce express lanes toll violation penalties to \$10 + \$20 for the first and second notice (for a total of \$30 due at the time of the second notice).

Presenter:

Stephen Wolf

Recommended Action:

Information

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

June 22, 2022

Agenda Item 5a - 22-0893

Revision to BAIFA Toll Violation Penalties

Subject:

An information update on a recommendation from Bay Area Express Lanes operators to reduce express lanes toll violation penalties to \$10 + \$20 for the first and second notice (for a total of \$30 due at the time of the second notice).

Background:

BAIFA's current express lanes toll violation penalty structure, approved in 2016, is defined in its Toll Facility Ordinance at \$25 + \$45 for the first and second notice (for a total of \$70 due at the time of the second notice) and was set as such to match BATA's penalty structure at the time. (See summary of current toll violation processes in Attachment A.) Vehicles in Bay Area express lanes are required to be registered to a FasTrak[®] account; the vast majority of penalties assessed are to registered owners of vehicles in violation of this requirement. First-time violators may have their fees waived if they sign up for FasTrak. Penalties are also assessed when an accountholder has a negative balance and then makes a tolled trip on the express lanes; this is a very small share of violations.. Violations related to self-declaring the wrong occupancy are enforced by California Highway Patrol, which issues HOV occupancy citations.

On October 21, 2021, BATA reduced its penalties to \$5 + \$10 (for a total of \$15 due at the time of the second notice). Subsequently, staff of Bay Area express lanes partner agencies ("Partner Agencies") and BAIFA agreed to evaluate whether to revise the violation penalties for express lanes and to what value. Partner Agencies communicated a desire to maintain consistent penalties for all Bay Area express lanes to maintain a seamless customer-facing policy but voiced concerns with matching BATA's penalty amounts. They noted express lanes are different from toll bridges and warrant a greater deterrent to potential violators for reasons that include:

1. BATA's penalties reduction was in large part a result to a foundational change in March 2020 to how the bridges are tolled after the removal of cash collection. Express lanes have always required all electronic tolling.
2. Drivers have a choice to use the tolled express lane or free general purpose lanes;

3. Express lanes enforcement is more complicated, and operational costs and risk of leakage are higher due to continuous access and multiple toll points; and
4. Express lanes must meet Federal performance standards for travel speed.

Through discussions, staff from BAIFA and Partner Agencies agreed that the gap between the toll and penalty amount should be reduced while still providing an incentive to get FasTrak and follow the rules. For BAIFA express lanes, 75% percent of violations were for a toll of \$6 or less (between October 1 and December 31, 2021). Staff recommends the first notice be \$10. The second notice would add \$20, which is two times the first notice (to be consistent with BATA's ratio for first and second notice penalties).

Staff is taking into consideration Assembly Bill 2594, Vehicle registration and toll charges (AB-2594) by Assemblymember Phil Ting, which addresses operations of tolled facilities broadly, including assessment of toll violation penalties. The recommendation is well below the amounts allowed in the May 19 version of the bill, which sets a cumulative maximum of \$100 for each toll evasion violation

The BAIFA FY 2022-23 Operating and Capital Budget (Item 4a) reflects violation penalty revenue in the amount of \$9.4 million, which assumes the existing penalty structure of \$25 + \$45 for first and second notice. A reduction in the penalties to \$10 + \$20 would change the revenue projection to \$6.4 million. The reduction is not proportional because it assumes a higher collection rate for violations that have received a second notice.

Next Steps:

Executives of Bay Area express lanes met on June 6 and agree to recommend adoption of a lower penalty of \$10 for the first notice and \$20 for the second notice to their respective boards for approval. Subject to approval of the toll ordinance amendment presented in Item 4c, staff intends to bring a resolution to BAIFA in July. Partner Agencies intend to take resolutions lowering violation penalties for their respective corridors in August and September. The least burden to the Regional Customer Service Center (RCSC), which would be responsible for implementing these changes, and the clearest messaging to the public would come if all operators approved a common effective date. The operators propose the reduction be

implemented shortly following the last board to take action, which is scheduled to be Alameda County Transportation Commission on September 22.

When BATA took action on reducing penalties, it made the reductions retroactive to January 1, 2021, which marked the start of all-electronic tolling (AET) and re-institution of penalties (See slide 4 of Attachment B). This action required refunding the excess amount to violators who had already paid the higher penalty. BAIFA did not face a change in tolling method or suspend penalties, but to the extent the Authority may wish to review the administration of prior violations, staff recommends reviewing this later in the year after more is known about AB 2594 as well as BATA's DMV hold policies.

The reduction in violation penalties would apply equally to all violators. In addition, staff is looking at future opportunities to address impacts on low-income travelers. As the manager of the contract for the Regional Customer Service Center (RCSC) used by all Bay Area toll agencies, BATA has taken the lead on a range of equity initiatives in its Equity Action Plan and plays a key role in implementing equity initiatives affecting Bay Area express lanes. Some opportunities benefitting express lanes customers, such as the creation of a payment plan, are ones that BATA anticipates piloting for toll bridges first but that may then be leveraged for use by express lanes operators at a future time.

Recommendations:

This item is provided for information only.

Attachments:

- Attachment A: Toll Violation Processes
- Attachment B: Presentation



Therese W. McMillan

Attachment A

Current Toll Violation Processes

Step.	BATA Bridges	Bay Area Express Lanes
1.	A. Crossed bridge without FasTrak account and did not pay invoice within 21 days of receipt of monthly invoice. B. Crossed bridge with FasTrak and didn't pay (cash account with a negative balance or expired credit card)	A. Used express lane without FasTrak account; or B. Used express lane with FasTrak and didn't pay (cash account with a negative balance or expired credit card)
2.	First violation notice sent (Toll + \$5)	First violation notice sent (Toll + \$25)
3.	Second violation sent (toll + \$5 + \$10)	Second violation sent (toll + \$25 + \$45)
4.	Sent to DMV hold (toll + \$5 + \$10 + \$3 DMV fee) or sent to collections (toll + \$5 + \$10)	When the sum of tolls exceeds \$5, sent to DMV hold (toll + \$25 + \$45 + \$3 DMV fee) or sent to collections (toll + \$25 + \$45)