

Meeting Agenda

Bay Area Toll Authority

Scott Haggerty, Chair	Alfredo Pedroza, Vice Chair	

Wednesday, September 23, 2020 9:35 A	M Board Room – 1st Floor (REMOTE)
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The Bay Area Toll Authority is scheduled to meet on Wednesday, September 23, 2020 at 9:35 a.m., in the Bay Area Metro Center (Remotely), or immediately following the 9:05 a.m. BAIFA meeting. In light of Governor Newsom's State of Emergency declaration regarding the COVID-19 outbreak and in accordance with Executive Order N-29-20 issued by Governor Newsom on March 17, 2020 and the Guidance for Gatherings issued by the California Department of Public Health, the meeting will be conducted via webcast, teleconference, and Zoom for committee, commission, or board members who will participate in the meeting from individual remote locations.

A Zoom panelist link for meeting participants will be sent separately to committee, commission, or board members.

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/98665548899 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 +1 312 626 6799 or +1 646 876 9923 or +1 301 715 8592 or 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free) Webinar ID: 986 6554 88

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 voting members (10).

2. Chair's Report

2a.	<u>20-1418</u>	BATA Resolution No. 138 - Resolution of Appreciation for former Caltrans District 4 Deputy (and former District 10 Director) Dan McElhinney
	Action:	Authority Approval
2b.	<u>20-1419</u>	BATA Resolution No. 139 - Resolution of Appreciation for Caltrans' Seismic Program lead Brian Maroney
	<u>Action:</u>	Authority Approval

3. Consent Calendar

3a.	<u>20-1252</u>	Minutes of the August 26, 2020 meeting.
	Action:	Authority Approval
	<u>Attachments:</u>	3a - 20-1252 Aug-26 BATA Draft Meeting Minutes.pdf

4. Bay Area Toll Authority Oversight Committee Report (Worth)

4a.	<u>20-1295</u>	BATA Tolling:
		i. BATA Resolution No. 52, Revised - FasTrak® Regional Customer
		Service Center Policy Revision to Support All Electronic Tolling at
		State-owned Bridges
		ii. BATA Resolution No. 137 - Suspension of the Assessment of Violation
		Penalties on the State-owned Bridges
		A request to approve BATA Resolution No. 52, Revised and BATA
		Resolution No. 137 to support conversion to all electronic tolling and to allow suspension of penalties for violation notices issued during the period while cash payment is not available on the state-owned bridges that started in March 2020.
	Action:	Authority Approval
	Presenter:	Andrew Fremier
	<u>Attachments:</u>	<u>4a - 20-1295 BATA O-5a Support All Electric Tolling.pdf</u>

5. BATA Recovery Ad Hoc Working Group Report (Worth)

<u>20-1392</u>

<u>Action:</u> Information

6. Authority Approval

6a. 20-1355 Closed Session - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

The Authority will meet in closed session pursuant to Government Code Section 54956.9(a) and paragraph (1) of subdivision (d) of Government Code Section 54956.9 to confer with counsel regarding Howard Jarvis Taxpayers Association, et al. vs. The Bay Area Toll Authority, et al., California Court of Appeals, 1st Appellate District Court Case No. A157598 (consolidated with Randall Whitney vs. Metropolitan Transportation Commission, California Court of Appeals, 1st Appellate District Court Case No. A157972).

6b. <u>20-1356</u> Open Session

Action: Authority Approval

- 7. Public Comment / Other Business
- 8. Adjournment / Next Meeting

The next meeting of the Bay Area Toll Authority is scheduled to be held on Wednesday, October 28, 2020 at the Bay Area Metro Center, 375 Beale Street, San Francisco, CA 94105 (remotely and by webcast as appropriate depending on the status of any shelter in place orders). **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 Titulo 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.



Legislation Details (With Text)

File #:	20-1418	Version:	1	Name:		
Туре:	Resolution			Status:	Authority Approval	
File created:	9/16/2020			In control:	Bay Area Toll Authority	
On agenda:	9/23/2020			Final action:		
Title:	BATA Resolution				ciation for former Caltrans Dist	rict 4 Deputy (and
Sponsors:						
Indexes:						
Code sections:						
Attachments:						
Date	Ver. Action B	v		Act	ion	Result

Subject:

BATA Resolution No. 138 - Resolution of Appreciation for former Caltrans District 4 Deputy (and former District 10 Director) Dan McElhinney

Recommended Action:



Legislation Details (With Text)

File #:	20-1419	Version:	1	Name:		
Туре:	Resolution			Status:	Authority Approval	
File created:	9/16/2020			In control:	Bay Area Toll Authority	
On agenda:	9/23/2020			Final action:		
Title:	BATA Resolu Maroney	tion No. 139	- Re	solution of Appr	eciation for Caltrans' Seismic Pr	ogram lead Brian
Sponsors:						
Indexes:						
Code sections:						
Attachments:						
	Ver. Action B			Ac		

Subject:

BATA Resolution No. 139 - Resolution of Appreciation for Caltrans' Seismic Program lead Brian Maroney

Recommended Action:



Legislation Details (With Text)

File #:	20-1252	Version:	1	Name:		
Туре:	Minutes			Status:	Consent	
File created:	8/10/2020			In control:	Bay Area Toll Authority	
On agenda:	9/23/2020			Final action:		
Title:	Minutes of the	August 26,	2020	meeting.		
Sponsors:						
Indexes:						
Code sections:						
Attachments:	<u>3a - 20-1252 A</u>	Aug-26 BAT	<u>A Dra</u>	ft Meeting Minut	es.pdf	
Date	Ver. Action By	,		Act	ion	Result

Subject:

Minutes of the August 26, 2020 meeting.

Recommended Action:



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

Meeting Minutes

Bay Area Toll Authority

Scott Haggerty, Chair Alfredo Pedroza, Vice Chair

	0.05 AM	
Wednesday, August 26, 2020	9:05 AM	Board Room - 1st Floor (REMOTE)
		PLEASE NOTE MEETING START TIME

*** SPECIAL BATA MEETING ***

Call Remote Meeting to Order

1. Roll Call / Confirm Quorum

Present:	17 -	Chair Haggerty, Vice Chair Pedroza, Commissioner Ahn, Commissioner Bruins,
		Commissioner Connolly, Commissioner Cortese, Commissioner Dutra-Vernaci,
		Commissioner Glover, Commissioner Josefowitz, Commissioner Liccardo,
		Commissioner Mackenzie, Commissioner Papan, Commissioner Rabbitt,
		Commissioner Ronen, Commissioner Schaaf, Commissioner Spering and
		Commissioner Worth

Absent: 1 - Commissioner Slocum

Non-Voting Commissioners Present: Commissioner Giacopini, Commissioner Stracner, and Commissioner Tavares

2. Pledge of Allegiance

3. Compensation Announcement (Clerk)

- 4. Chair's Report
- 5. Consent Calendar

Commissioner Bruins arrived during the Consent Calendar.

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

- Aye:15 Chair Haggerty, Vice Chair Pedroza, Commissioner Ahn, Commissioner Bruins,
Commissioner Connolly, Commissioner Cortese, Commissioner Dutra-Vernaci,
Commissioner Glover, Commissioner Liccardo, Commissioner Mackenzie,
Commissioner Papan, Commissioner Ronen, Commissioner Schaaf, Commissioner
Spering and Commissioner Worth
- Absent: 3 Commissioner Josefowitz, Commissioner Rabbitt and Commissioner Slocum

5a.20-1124Minutes of the July 22, 2020 meetingAction:Authority Approval

6. Information

Commissioner Josefowitz and Commissioner Rabbitt arrived at the beginning of agenda item 6.

Aleta Dupree was called to speak.

6a. <u>20-1243</u> COVID-19 Toll Collection: Challenges & Next Steps

This item is to inform the Authority about the status of COVID-19 cashless toll collection strategies, the increased volume of work at the FasTrak® Customer Service Center (CSC) during the pandemic, and the status of return of Caltrans toll collectors to toll booths.

Action: Information

Presenter: Andrew Fremier

7. Public Comment / Other Business

Aleta Dupree was called to speak.

Sara Greenwald was called to speak.

8. Adjournment / Next Meeting:

The next meeting of the Bay Area Toll Authority is scheduled to be held on September 23, 2020 at the Bay Area Metro Center, 375 Beale Street, San Francisco, CA 94105 (remotely and by webcast as appropriate depending on the status of any shelter in place orders).



Legislation Details (With Text)

File #:	20-1	295	Version:	1	Name:	
Туре:	-	tract			Status:	Authority Approval
File created:	8/14	/2020			In control:	Bay Area Toll Authority Oversight Committee
On agenda:	9/9/2	2020			Final action:	, , ,
Title:	i. BA Sup ii. B/	port All Ele	ectronic Tol lution No. 1	ling a	t State-owned Br	Regional Customer Service Center Policy Revision idges Assessment of Violation Penalties on the State-
	con\ durir	/ersion to	all electroni	c tolli	ng and to allow s	Revised and BATA Resolution No. 137 to support uspension of penalties for violation notices issued ilable on the state-owned bridges that started in
Sponsors:						
Indexes:						
Code sections:						
Attachments:	<u>5a -</u>	<u>20-1295 s</u>	Support All I	Electr	ort All Electric To ic Tolling.pdf Aleta Dupree.pdf	
Date	Ver.	Action By	/		Act	ion Result
9/9/2020	1	Bay Area	a Toll Autho	rity C	versight	
Subject: BATA Tolling: i. BATA Resol		No. 52,	Revised -	Fas	Trak® Regior	al Customer Service Center Policy Revisior

Support All Electronic Tolling at State-owned Bridges

ii. BATA Resolution No. 137 - Suspension of the Assessment of Violation Penalties on the Stateowned Bridges

A request to approve BATA Resolution No. 52, Revised and BATA Resolution No. 137 to support conversion to all electronic tolling and to allow suspension of penalties for violation notices issued during the period while cash payment is not available on the state-owned bridges that started in March 2020.

Presenter:

Andrew Fremier

Recommended Action:

Bay Area Toll Authority Oversight Committee

September 9, 2020

Agenda Item 5a - 20-1295

Contract Actions and Referral to Authority – BATA Tolling:
i. Contract Change Order – FasTrak [®] Regional Customer Service Center: Additional Operating
Costs for BATA Bridge Toll Collection: Conduent State and Local Solutions, Inc. (\$28,700,000)
ii. Contract Amendment–Preliminary Design of Satellite Customer Service Centers – HNTB
Corporation (\$500,000)
iii. BATA Resolution No. 52, Revised – FasTrak [®] Regional Customer Service Center Policy
Revision to Support All Electronic Tolling at State-owned Bridges
iv. BATA Resolution No. 137 – Suspension of the Assessment of Violation Penalties on the State-
owned Bridges

Subject: Request to authorize the Executive Director or designee to negotiate and enter into a contract change order with Conduent State and Local Solutions, Inc. (Conduent) and a contract amendment with HNTB Coorporation (HNTB), and a request that BATA Resolution No. 52, Revised, and BATA Resolution No. 137 be referred to the full Authority for approval.

Background: In response to the shelter-in-place order that began in March and to protect toll collectors and the traveling public, all tolls are being collected electronically at State-owned bridges. Non-FasTrak customers no longer stop at the toll plaza to pay cash, but instead are sent a notice for the toll only and no penalty. These no-penalty notices were intended as a short-term solution to maintain toll collectors to return when the shelter-in-place order was lifted; however, the toll collectors have remained out of the booths with no estimated return date. In the meantime, BATA has worked with Conduent to develop a plan to accelerate deployment of more robust electronic toll collection based on the existing model at the Golden Gate Bridge. In this model, non-FasTrak customers will receive an invoice in the mail before receiving a toll violation.

In May, June, and July 2020, this Committee approved contract actions for accelerated deployment of invoices. Activities to support all electronic tolling could be in place by early 2021.

i. Contract Change Order – FasTrak[®] Regional Customer Service Center: Additional Operating Costs for BATA Bridge Toll Collection: Conduent State and Local Solutions, Inc. (\$28,700,000)

At the August 26 Authority meeting, staff presented an update to inform the Authority about the status of COVID-19 cashless toll collection, including strategies for collecting outstanding tolls. This item describes the proposed approach for collecting unpaid tolls and seeks approval for a contract change order to implement this effort.

Based on a competitive selection, BATA entered into a contract with Conduent (formerly, Xerox State and Local Solutions, Inc.) on March 27, 2013 for management and operation of the FasTrak[®] Customer Service Center (CSC). Under the contract, Conduent provides the FasTrak[®] account management

system, transaction processing, call center operations, web services, payment processing, customer communications, violation image review and violation noticing for bridges and express lanes in the Bay Area.

In the interim period from March 2020 to when invoice functionality is deployed or until toll collectors return, BATA will modify the process for unpaid notices. Under this process, the CSC will send a reminder for the toll-only notice. If the reminder remains unpaid, then the standard violation notice process will resume with a first violation notice, second violation notice and if still unpaid, referral to be paid with DMV vehicle registration or to a collections agency. BATA staff recommend that all notices be sent with a \$0 penalty during this emergency COVID-19 period until the invoice process is deployed.

Under this change order, Conduent will implement system changes to generate a reminder letter and process any payments from this reminder letter and then reinsert any unpaid reminder letters into the violation process. In addition, the change order will cover the added costs from the initial notice for the period of March 2020 to December 2020. The volume of toll bills being generated by former cash customers is six times the pre-COVID monthly violation notice volume; this volume was not envisioned in the contract costs for for FY 2020-21.

The estimated volume of notices from March to December 2020 is shown below, with the assumption that traffic will continue to increase through the end of the year. The potential toll revenue to be collected from the 20 million initial toll notices is estimated at \$130 million.

	Initial	Reminder	1 st Violation	2 nd Violation
	Notice	Letters	Notices	Notices
March-	20 million	7 million	6 million	5 million
December				
2020				
Total				38 million
Notifications				

The estimated cost of this change order to complete system changes and process the additional notices is \$28,700,000.

Attachment A-1 includes a summary of Conduent and its project team's small business and disadvantaged business enterprise status.

ii. Contract Amendment–Preliminary Design of Satellite Customer Service Centers: HNTB Coorporation (\$500,000)

The increased volume of transaction processing, customer communications, and violations review requires additional customer service center staffing and resources. Compounded by COVID social distancing requirements within the

existing call centers, staff is exploring options for additional space at toll bridge facilities on a temporary and/or permanent basis to safely expand Conduent's operations.

Staff is requesting the Committee authorize a contract amendment with HNTB in an amount not to exceed \$500,000 to provide due diligence, programming and preliminary design of tenant improvements at toll bridge facilities that include: the toll administration buildings at the administration buildings at the San Francisco-Oakland Bay Bridge (SFOBB) and Benicia-Martinez Bridge (BMB). Preliminary design will inform the cost to complete design of and construct these improvements. HNTB was originally selected as part of a competitively procured consultant bench to provide on-call construction management and design services in December 2017 and has an existing contract for \$200,000 to explore the feasibility of setting up a temporary call-center at the SFOBB Bridge Yard. Under the terms of the bench procurement, work can be assigned via a mini-procurement or direct selection. HNTB was directly selected for the scope of the existing \$200,000 contract and the additional scope of this \$500,000 contract amendment because of its work for BATA providing program management support for the FasTrak® CSC and design support for the 2017 Bridge Yard renovation and SFOBB administration building construction.

HNTB is not a small or disadvantaged business enterprise and has no subconsultants.

iii. BATA Resolution No. 52, Revised – FasTrak[®] Regional Customer Service Center Policy Revision to Support All Electronic Tolling at State-owned Bridges

BATA Resolution No. 52, Revised was amended on October 24, 2012, to reflect FasTrak[®] Regional Customer Service Center policies to support deployment of all electronic tolling at the Golden Gate Bridge. As part of this deployment, the Golden Gate Bridge, Highway and Transportation District (GGB) adopted license plate accounts, one-time payments, and post paid invoices as options for toll payment. BATA also adopted use of license plate accounts and one-time payments at state-owned bridges but did not adopt invoices; failure to pay tolls via FasTrak[®], license plate account, one-time payment account, or cash at the state-owned bridge toll plazas results in violation notices.

BATA Resolution No. 52, Revised currently includes invoices for the Golden Gate Bridge only. In order to support all electronic tolling at the State-owned bridges staff recommends that the FasTrak® Regional Customer Service Center Policies be revised to authorize invoices as payment options for those bridges.

Additionally, as part of GGB's all electronic tolling deployment, a network of cash payment locations was established to accommodate cash customers. A list of these locations is currently available on the Bay Area FasTrak website. Some

convenience fees charged by businesses enrolled in the cash payment network system are the responsibility of the customer. However, GGB absorbs the cost of convenience fees for one-time payment, invoice payments, and license plate account replenishment. Current cash payment network convenience fees are shown in the table below.

Payment Type	Convenience Fee	Paid by
FasTrak Account Reload	\$1.95	Customer
License Plate Account Reload	\$1.95	Agency
One-Time Payment Account	\$1.95	Agency
Funding		
Invoice Payment	\$1.00	Agency
Violation Notice Payment	\$2.95	Customer

Cash Payment Network Convenience Fees

For customers of state-owned bridges who also currently use the cash payment network, BATA absorbs the cost of convenience fees or passes them on to customers as indicated above except for invoice payments since BATA does not currently offer invoices. Staff recommends absorbing the cost of invoice payments to maintain consistency with GGB. Staff also recommends that the FasTrak[®] Regional Customer Service Center Policies be revised to include a reference to the cash payment network policy.

Attachment A-2 includes BATA Resolution No. 52, Revised

iv. BATA Resolution No. 137 – Suspension of Violation Penalties at the Stateowned Bridges

As described in item i above, staff recommends that violation notices sent out while cash toll collection is not available have penalties set to \$0 until such time that invoicing functionality is in place at all state-owned bridges or until toll collectors return to all such bridges. Unpaid violations would still escalate to DMV hold or to collections.

Attachment A-3 includes BATA Resolution No. 137

Recommendation: i. Staff recommends that this Committee authorize the Executive Director or designee to negotiate and enter into a contract change order with Conduent in an amount not to exceed \$28,700,000 to provide system and operations support for cashless toll collection implemented in March 2020.

ii. Staff recommends that this Committee authorize the Executive Director or designee to negotiate and enter into a contract amendment with HNTB in an

	amount not to exceed \$500,000 for preliminary design of tenant improvements for satellite customer service centers.
	iii. Staff recommends that this Committee refer BATA Resolution No. 52, Revised, to the Authority for approval to include Post Paid License Plate Toll Invoices and information about the cash payment network as described above.
	iv. Staff recommends that this Committee refer BATA Resolution No. 137 to the Authority for approval to suspend violation penalties on the state-owned bridges while cash collection is not available as described above.
Attachments:	Attachment A-1 – Condent State & Local Solutions, Inc., Small Business and Disadvantaged Business Enterprise Status;
	Attachment A-2 – BATA Resolution No. 52, Revised
	Attachment A-3 – BATA Resolution No. 137

Therese W. McMillan

Attachment A-1

Conduent State & Local Solutions, Inc., Small Business and Disadvantaged Business Enterprise Status

			Γ) BE* Firr	n	S	BE** Firm	
	Firm Name	Role on Project	Yes	DBE #	No	Yes	SBE #	No
Prime Contractor	Conduent	System Development and Operations			X			X
Subcontractor	Atos	Network Management			Х			Х

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

**Denotes certification by the State of California.

REQUEST FOR COMMITTEE APPROVAL

Summary of Proposed Contract Change Order

Work Item No.:	1252
Vendor:	Conduent State and Local Solutions, Inc. (Conduent), San Francisco, CA
Work Project Title:	FasTrak [®] Regional Customer Service Center (CSC)
Purpose of Project:	Support cashless toll collection implemented in March 2020
Brief Scope of Work:	Provide system and operations support for cashless toll collection, including modifying the process to collect on unpaid notices
Project Cost Not to Exceed:	This Change Order: \$28,700,000
	Current contract amount before this Change Order: \$226,944,475
	Maximum contract amount after this Change Order: \$255,644,475
Funding Source:	BATA Toll Bridge Program Operating Funds
Fiscal Impact:	\$28,700,000 in funds for operations are included in the FY 2020-21 Toll Bridge Program Operating Budget.
Motion by Committee:	That the Executive Director or designee is authorized to negotiate and enter into a contract change order with Conduent for services as described above and in the BATA Oversight Committee Summary Sheet dated September 9, 2020, and the Chief Financial Officer is directed to set aside funds in the amount of \$28,700,000 for such contract change order.

BATA Oversight Committee:

Amy Worth, Chair

Approved:

September 9, 2020

REQUEST FOR COMMITTEE APPROVAL

Summary of Proposed Contract Amendment

Work Item No.:	1251
Vendor:	HNTB Corporation (HNTB) Oakland, CA
Work Project Title:	Preliminary Design of Satellite Customer Service Centers
Purpose of Project:	Due diligence, programming and preliminary design of tenant improvements.
Brief Scope of Work:	To provide preliminary design services for a buildout of satellite customer service centers at facilities that include the Bridge Yard and San Francisco-Oakland Bay Bridge and Benicia-Martinez Bridge administration buildings
Project Cost Not to Exceed:	This Contract Amendment: \$500,000
	Current contract before this Contract Amendment: \$200,000
	Maximum contract value after this Contract Amendment: \$700,000
Funding Source:	BATA Toll Bridge Program Operating Funds
Fiscal Impact:	\$500,000 in funds for operations are available in the FY 2020-21 Toll Bridge Program Operating Budget.
Motion by Committee:	That the Executive Director or designee is authorized to negotiate and enter into a contract amendment with HNTB for services as described above and in the BATA Oversight Committee Summary Sheet dated September 9, 2020, and the Chief Financial Officer is directed to set aside funds in the amount of \$500,000 for such contract amendment.

BATA Oversight Committee:

Amy Worth, Chair

Approved:

September 9, 2020

Date: July 28, 2004 W.I.: 1252 Referred by: BATA Oversight Revised: 07/26/06-BATA 10/24/12-BATA 07/27/16-BATA 02/28/18-BATA 09/23/20-BATA

<u>ABSTRACT</u> BATA Resolution No. 52, Revised

This resolution adopts the FasTrak[®] Regional Customer Service Center Policies, effective May 30, 2005, for the state-owned toll bridges in the Bay Area.

Attachment A to this Resolution was revised on July 26, 2006 to revise the policies for toll tag deposit and prepaid toll balances for the FasTrak[®] program, effective October 1, 2006.

Attachment A to this Resolution was revised on October 24, 2012 to amend the policies to add license plate and one-time payment accounts and to delete the commercial post-paid account from the FasTrak[®] program, effective December 8, 2012 or upon commencement of Golden Gate Bridge Highway and Transportation District All Electronic Toll Collection Program.

This resolution was revised on July 27, 2016, to clarify that the FasTrak[®] Regional Customer Service Center Policies are applicable to all facilities served by the FasTrak[®] Regional Customer Service Center. Attachment A to this Resolution was also revised on July 27, 2016 to update the minimum balance for License Plate and One Time Payment Accounts and to make other clarifying changes.

Attachment A to this Resolution was revised on February 28, 2018 to amend the policies to increase the California Department of Motor Vehicles (DMV) Hold fee consistent with DMV fee increases.

Attachment A to this Resolution was revised on September 23, 2020 to amend the policies to authorize post-paid license plate toll invoices for state-owned bridges upon commencement of All Electronic Tolling at state-owned bridges and include information about the cash payment network.

BATA Resolution No. 52 Page 2

Further discussion of this resolution is contained in the Executive Director's memoranda dated July 7, 2004; July 5, 2006, October 3, 2012, July 6, 2016, February 7, 2018, and September 9, 2020.

Date: July 28, 2004 W.I.: 1252 Referred by: BATA Oversight Revised: 07/27/16-BATA

Re: <u>Adoption of the FasTrak® Regional Customer Service Center (RCSC) Policies, effective</u> <u>May 30, 2005, for the state-owed toll bridges in the Bay Area, as revised for all facilities</u> <u>served by the RCSC</u>

BAY AREA TOLL AUTHORITY RESOLUTION No. 52, Revised

WHEREAS, Streets and Highways Code Sections 30950 *et seq.* created the Bay Area Toll Authority ("BATA"); and

WHEREAS, Streets and Highways Code §§ 30950 *et seq.* transfers to BATA certain duties and responsibilities of the California Transportation Commission ("CTC") and California Department of Transportation ("Caltrans") for the toll bridges owned and operated by Caltrans in the San Francisco Bay Area; and

WHEREAS, in accordance with Streets and Highways Code § 30950.2, BATA is responsible for programming, administering, and allocating all toll revenues, except revenues from the seismic retrofit surcharge, from state-owned toll bridges within the jurisdiction of the Metropolitan Transportation Commission; and

WHEREAS, Bay Area bridges are defined in Streets and Highways Code § 30910 to include the Antioch, Benicia-Martinez, Carquinez, Richmond-San Rafael, San Francisco-Oakland, San Mateo-Hayward, and Dumbarton Bridges, and

WHEREAS, the California Department of Transportation (Caltrans) implemented electronic toll collection on all Bay Area state-owned toll bridges on December 31, 2000, and

WHEREAS, pursuant to the BATA-Caltrans Cooperative Agreement dated July 1, 2004, Caltrans delegated to BATA certain responsibilities related to the administration of the electronic toll collection program, and

WHEREAS, BATA and the Golden Gate Bridge Highway and Transportation District entered into a Cooperative Agreement on August 26, 2003 to consolidate FasTrak[™] Service Center operations, and

WHEREAS, the consolidated Regional Customer Service Center requires a common set of operating policies, and

WHEREAS, BATA has contracted and will contract to provide other entities and toll facility operators, including those operating express lanes, with some or all of the services of its consolidated Regional Customer Service Center; now, therefore, be it

<u>RESOLVED</u>, that BATA hereby adopts the FasTrak[™] Regional Customer Service Center Policies, effective May 30, 2005, as revised, as set forth in Attachment A to this Resolution, and incorporated herein as though set forth at length.

BAY AREA TOLL AUTHORITY

Dave Cortese, Chair

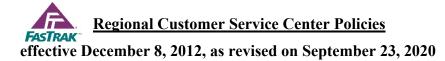
The above resolution, revising and superseding the resolution approved on July 28, 2004, was entered into by the Bay Area Toll Authority at a regular meeting of the Authority held in San Francisco, California, on July 27, 2016.

Date: July 28, 2004 W.I.: 1252 Referred by: BATA Oversight Revised: 07/26/06-BATA 10/24/12-BATA 07/27/16-BATA 02/28/18-BATA 09/23/20-BATA

Attachment A Resolution No. 52 Page 1 of 4

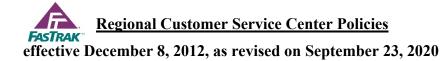
FasTrak® Regional Customer Service Center (RCSC) Policies, effective December 8, 2012 on the San Francisco Bay Area State-Owned Toll Bridges, as revised for all facilities served by the RCSC

Attachment A



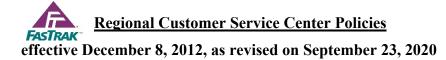
	Policy	Regional CSC effective December 8, 2012, as revised on September 23, 2020
1.	General	
2.	Terms & Conditions	Regional CSC license agreement
3.	Privacy Policy	Regional CSC privacy policy
4.	Account types	
5.	Prepaid Accounts	- Private, Business, Non-revenue, Anonymous
6.	Commercial Post Paid Accounts	Deleted
7.	License Plate Account	Yes
8.	One Time Payment	Yes
9.	Account policies	
10.	Prepaid Toll Account Opening Balance	Credit Card Account - \$25 per tag Cash/check Account- \$50 per tag N/A for License Plate Account and One Time Payment
11.	Replenishment Amount	Private: Credit card - \$25 per tag min. Cash/check - \$40 per tag min. or 1-month average based on previous 90 days usage Business: Credit card - \$25 per tag min. Cash/check - \$40 per tag min. or 45-day average based on previous 90 days usage
		N/A for License Plate Account and One Time Payment
12.	Replenishment Threshold	Credit Card Account - \$15 min. or 2-week average use based on previous 90 days Cash/check Account - \$30 min. or 2-week average use based on previous 90 days
		N/A for License Plate Account and One Time Payment
13.	License Plate Account and One Time Payment Minimum Balance	Credit card – Charged to credit card Cash/check - \$7.25 or current toll rate on GGB for 2 axle vehicle
14.	Tag Deposit	Credit Card Account - \$20 per tag, waived for first 3 tags
		Cash/check Account - \$20 per tag
		N/A for License Plate Account and One Time Payment

Attachment A



	Policy	Regional CSC effective December 8, 2012, as revised on September 23, 2020
15.	Max number of tags	None
16.	Lost/stolen tags maximum liability	\$0 after notification, No maximum
17.	Low Balances	Credit Card Account - Automatic replenishment Cash/check Account - Send notice requesting replenishment; In-lane display shows low balance message
18.	Account Suspension	Immediate tag suspension when account balance is less than zero
19.	Account Revocation	Negative Balance for 90 days OR No activity for one year
20.	One Time Payment Account Closure	Limited term – account closed after 30 days Balance not refundable
21.	Reciprocity	
22.	Toll Discounts apply to customers of other toll facilities	Yes
23.	Guarantee of tolls to other toll agencies based on Regional CSC tag and plate files	Yes
24.	Account fees	
25.	Additional Statement Fee	 \$1 for monthly paper statements \$1 statement regeneration \$7 for disk (business and commercial accounts only)
26.	Bad Check Fee	\$25
27.	Tag Replacement Charges	\$20 interior \$20 exterior
28.	Infrequent User Fee	None.
29.	Account Maintenance Fee	None.
30.	Tags Fees/Sales	None.
31.	Post Paid License Plate Toll Invoices	Golden Gate Bridge and state-owned bridges

Attachment A



	Policy	Regional CSC effective December 8, 2012, as revised on September 23, 2020
32.	Violation Policies	
33.	Toll Evasion	All Violations
		1 st Notice Toll + \$25 penalty
		2 nd Notice Toll + \$70 penalty
		Exceptions:
		1. If the violation is determined to be the fault of the toll agency.
		 For 1st time offense, a non-customer can open a FasTrak account 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 amount prior to posting the violation toll amount.
		Processing fee of \$4 for DMV registration holds or as otherwise set by the DMV, when applicable.
34.	Cash Payment Network	
35.	Electronic Toll Collection Payment Locations	Toll payment can be made at the FasTrak [®] Regional Customer Service Center, by mail and by the internet. For cash customers, toll payments can also be made via a network of cash payment locations. A list of available walk-in centers can be found on the Bay Area FasTrak [®] website, http://www.bayareaFasTrak.org. Convenience fees that may be charged by businesses enrolled in the cash payment network system are the responsibility of the customer. However, BATA, Golden Gate Bridge Highway and Transportation District, and other entities and toll facility operators supported by the FasTrak [®] Regional Customer Service Center will absorb the cost of convenience fees for One-Time Payments, Invoice Payments, and License Plate Account replenishment until further notice.

Date: September 23, 2020 W.I.: 1252

ABSTRACT BATA Resolution No. 137

This resolution suspends the assessment of violation penalties on the state-owned bridges within the geographic jurisdiction of the Metropolitan Transportation Commission until such time as toll collectors return to the toll booths, post-paid license plate toll invoices are deployed on all such state-owned bridges, or further action is taken by the Authority to reinstate penalties.

Discussion of this action is contained in the Bay Area Toll Authority Oversight Summary Sheet dated September 9, 2020.

Date: September 23, 2020 W.I.: 1252 Referred by: BATA Oversight

RE: Suspension of the assessment of violation penalties on the state-owned bridges

BAY AREA TOLL AUTHORITY RESOLUTION NO. 137

WHEREAS, the Bay Area Toll Authority (the "Authority") was created pursuant to Sections 30950 *et seq.* of the California Streets and Highways Code; and

WHEREAS, the Authority administers the toll revenues from and finances improvements for the seven state-owned toll bridges in the San Francisco Bay area: the Antioch Bridge, the Benicia-Martinez Bridge, the Carquinez Bridge, the Dumbarton Bridge, the Richmond-San Rafael Bridge, the San Francisco-Oakland Bay Bridge, and the San Mateo-Hayward Bridge; and

WHEREAS, the California Department of Transportation ("Caltrans") implemented electronic toll collection on all Bay area state-owned toll bridges on December 31, 2000; and

WHEREAS, pursuant to the BATA-Caltrans Cooperative Agreement dated April 25, 2006, as amended and restated on June 13, 2011, as subsequently amended, Caltrans delegated to BATA certain responsibilities related to the administration of the electronic toll collection program; and

WHEREAS, BATA and the Golden Gate Bridge Highway and Transportation District entered into a Cooperative Agreement on August 23, 2003 to consolidate FasTrak® Customer Service Center operations; and

WHEREAS, the consolidated Regional Customer Service Center requires a common set of operating policies; and

WHEREAS, BATA has contracted and will contract to provide other entities and toll facility operators, including those operating express lanes, with some or all of the services of its consolidated Regional Customer Service Center; and

WHEREAS, pursuant to BATA Resolution No. 52, Revised, BATA has adopted FasTrak® Regional Customer Service Center Policies which include violation polices that specify penalties of \$25 and \$70, respectively for first and second notices of toll evasion violation; and

WHEREAS, due to the outbreak of a novel coronavirus disease designated as Coronavirus Disease 2019 ("COVID-19") by the United States Centers for Disease Control and Prevention, which has been declared a global pandemic by the World Health Organization, the nine counties of the San Francisco Bay area (the "Counties") and the State of California (the "State") as a whole were placed under shelter-in-place or stay-at-home orders that restricted travel outside the home (collectively, the "Shelter-in-Place Orders"); and

WHEREAS, due to the effects of COVID-19 and the Shelter-in-Place Orders, on March 21, 2020, Caltrans removed toll collectors from toll booths on the seven state-owned bridges to protect their safety and the safety of the public; and

WHEREAS, as a result of this action, non-FasTrak® customers can no long stop at the toll plaza to pay cash tolls, but instead are sent a notice to pay such toll without penalty, and a portion of such toll notices have gone upaid; and

WHEREAS, BATA desires to institute All Electronic Tolling on the state-owned bridges, in connection with which non-Fastrak® customers would receive in the mail a post-paid, license-plate based invoice for tolls that, if unpaid, would result in a toll violation and notice thereof being sent to such customers; and

WHEREAS, until such time as post-paid license plate toll invoices are deployed in connection with All Electronic Tolling or the toll collectors return to toll booths on all state-owned bridges within the geographic jurisdiction of the Metropolitan Transportation Commission (the "Bridges"), BATA desires to pursue unpaid tolls by sending a reminder notice, followed by a first and then a second violation notice, and, if such toll remains unpaid following the second violation notice, to refer the toll for payment in connection with DMV vehicle registration or to refer the toll to a collection agency, but to forgo assessing additional penalties in connection with such violations; now, therefore, be it

<u>RESOLVED</u>, that the Authority finds that the foregoing recitals are true and correct; and be it further

<u>RESOLVED</u>, that the Authority hereby suspends the assessment of \$25 and \$70 penalties described in the Regional Customer Service Center Policies for unpaid tolls resulting from unpaid tolls for crossings on the state-owned toll bridges until such time as the toll collectors return to the toll booths on all Bridges or post-paid license plate toll invoices are deployed on all Bridges, or further action is taken by the Authority to reinstate assessment of violation penalties; and be it further

<u>RESOLVED</u>, that the Chair of the Authority, the Vice Chair of the Authority, the Executive Director, the Chief Financial Officer, and other appropriate officers of the Authority, be and they are hereby authorized and directed, jointly and severally, for and in the name and on behalf of the Authority, to execute and deliver any and all certificates, documents, amendments, instructions, orders, representations and requests, and to do any and all things and take any and all actions that may be necessary or advisable, in their discretion, to suspend assessing violation penalties on the state-owned bridges until further action is taken by the Authority to reinstate assessing violation penalties and otherwise effectuate the actions that the Authority has approved in this Resolution; and be it further

<u>RESOLVED</u>, that this Resolution shall take effect from and after its adoption.

BAY AREA TOLL AUTHORITY

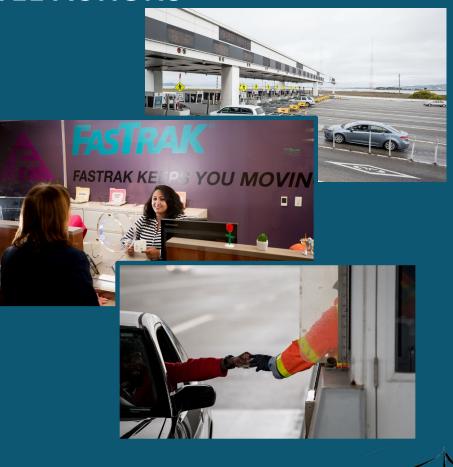
Scott Haggerty, Chair

The above resolution was entered into by the Bay Area Toll Authority at a regular meeting of the Authority held in San Francisco, California and at other remote locations, on September 23, 2020



PRESENTATION OUTLINE: COMMITTEE ACTIONS

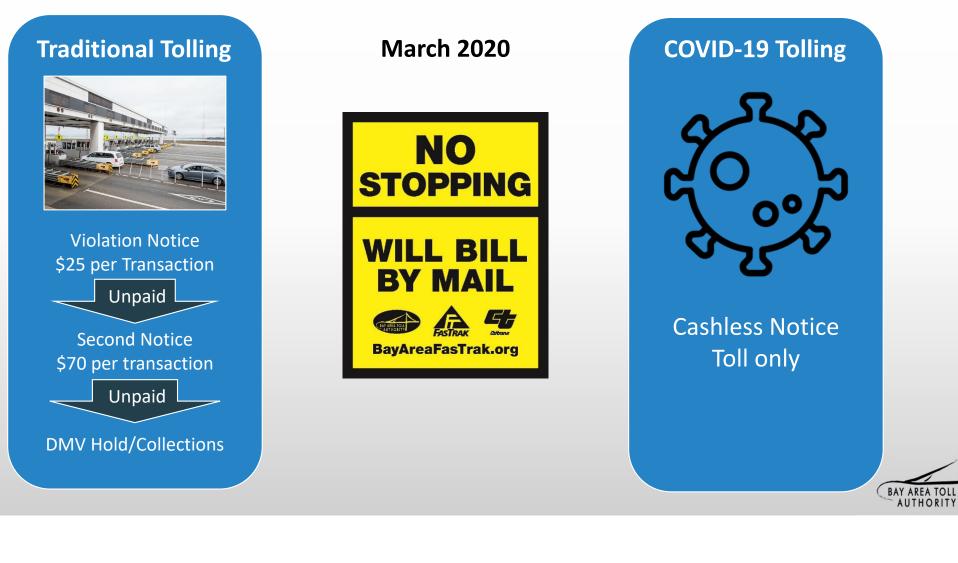
- 1. FasTrak[®] Regional Customer Service Center Additional Operating Costs for BATA Bridge Toll Collection
- 2. Preliminary Design of Satellite Customer Service Centers
- 3. BATA Resolution No. 52, Revised FasTrak[®] Regional Customer Service Center Policy Revision
- 4. BATA Resolution No. 137 Suspension of the Assessment of Violation Penalties at State-owned Bridges



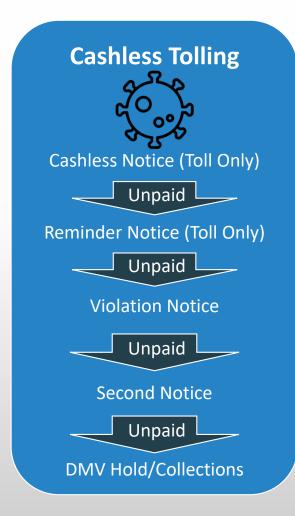
FasTrak[®] Regional Customer Service Center Additional Operating Costs for BATA Bridge Toll Collection

4

TRADITIONAL TOLLING VS. COVID-19 TOLL COLLECTION



PROPOSED ESCALATION PROCESS



- System modifications and manual processes for additional steps to mimic invoice and violations
- Must be customer-friendly and understandable
- Time sensitive



CONDUENT CHANGE ORDER: \$28.7M

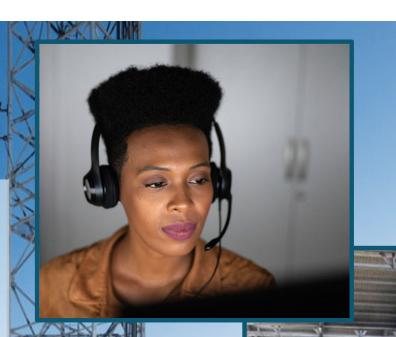
Change Order Amount FY20-21 BATA operating Volume of notices is \$23.2M 6 times higher than budget did not foresee pre-COVID volume of notices and Escalation of unpaid cashless notices requires up additional escalation to 2 additional pieces of \$5.5M process related to COVID correspondence compared to pre-COVID violation process \$28.7M

> BAY AREA TOLL AUTHORITY

Design of Satellite Customer Service Center Locations

HNTB CONTRACT AMENDMENT: \$500,000

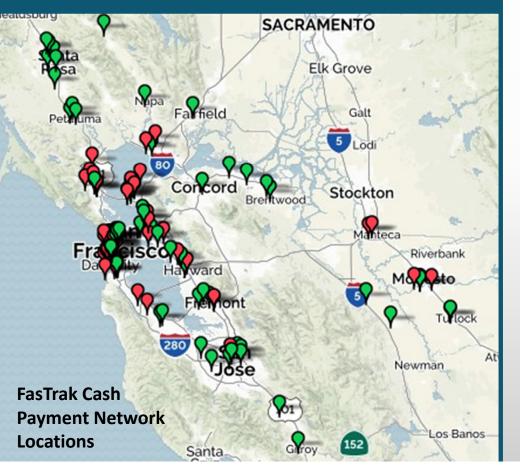
- Preliminary design services to repurpose toll plaza administration buildings and/or Bridge Yard
- Additional socially-distant space for CSC staff
- Includes due diligence, programming and design of tenant improvements



REVISED RESOLUTION 52: REGIONAL CUSTOMER SERVICE CENTER POLICIES



CSC POLICY REVISIONS TO SUPPORT ALL ELECTRONIC TOLLING



- Allow invoices for BATA to support more robust all electronic tolling
- Incorporate cash payment network fees policy; treatment of invoices to be consistent with GGB
 - Network established in 2013 with GGB AET
 - Customer pays fees for FasTrak account reload and violation notices
 - Agency absorbs fees for invoice payment license plate account reload, and one-time payments



RESOLUTION 137: SUSPENSION OF ASSESSMENT OF VIOLATION PENALTIES AT STATE-OWNED BRIDGES



RECOMMENDED ACTIONS

- Staff recommends that this Committee authorize the Executive Director or designee to negotiate and enter into:
 - A contract change order with Conduent in an amount not to exceed \$28,700,000 to provide system and operations support for cashless toll collection implemented in March 2020.
 - A contract amendment with HNTB in an amount not to exceed \$500,000 for preliminary design of tenant improvements for satellite customer service centers.

• Staff recommends that this Committee refer to the Authority for approval:

- Resolution No. 52, Revised, to include invoices and reference to cash payment network policy.
- Resolution No. 137 to suspend the assessment of violation penalties on the state-owned bridges until such time as the toll collectors return to the toll booths at all bridges or until post paid license plate toll invoices are deployed on all bridges.



QUESTIONS?



For more information contact:

Andrew Fremier, <u>afremier@bayareametro.gov</u>

FASTRAK" EXPRESS FASTRAK" EXPRESS

CASH/

• Carol Kuester, <u>ckuester@bayareametro.gov</u>

-----Original Message-----From: aleta dupree Sent: Tuesday, September 8, 2020 3:39 PM To: MTC-ABAG Info <info@bayareametro.gov> Subject: BATA Oversight Meeting 9 September, 2020

External Email

Martha, with thanks, please forward this message to the BATA Oversight Committee for the Meeting of 9 September, 2020.

Good Morning Committee Chair Amy Worth and Members.

Aleta Dupree for the record.

Today I write to you concerning BATA Oversight matters, mostly pertaining to approval items 5A and B.

The work presented before you is indeed important, I refer to it as a "big lift", if you will. Before you is the chance to advance the work and conversation toward a safer and more efficient regional toll bridge system.

I am looking forward to the implementation of invoicing systems, to reduce the amount of mail processed, and more so offering real time electronic options. I support the Golden Gate Bridge operational template, ensuring consistent expectations throughout the region.

I feel the proposed violation policies are reasonable and grounded in common sense and simplicity. I believe the best way to go is for BATA to simply aim receive the tolls that are due, and in a timely manner.

Outreach is essential as we go forward, diverse forms of advertising, and a robust communications network so the Public can easily get the appropriate answers to their questions. To be proactive is much better than being reactive.

The cash payment network is indeed important, a way that hopefully through contactless methods that customers can bring their bills and coins to the table, especially in a coin shortage, and use that value to travel our bridge system. Cash is best used when banked and put to work. I feel we need more credit union and less coffee can in our diverse community that is Bay Area Soil, this program will help to that end.

How can we promote the importance of Fastrak. I think that a Fastrak transponder should be part of the essential items in a vehicle when going out on the road. We can't legislate, but how we can incentivize the use of Fastrak for vehicles domiciled in the nine county MTC district.

Customer service is the hallmark of making things work. I believe these approval items will bring customer service at BATA to the next level, I would like to see a BATA that is known for top level award winning, even legendary customer service, and the larger tolling agency community can follow our leadership.

I ask your approval of these various items listed within section 5 of this posted Agenda. These are investments in forward thinking future of BATA. The hard work we do today will make things much easier tomorrow.

Again, I respectfully maintain to you that all electronic toll collection methods need to continue on the State owned bridges of the Bay Area.

Thank you.



Metropolitan Transportation Commission

Legislation Details (With Text)

File #:	20-1392	Version: 1	Name:		
Туре:	Report		Status:	Informational	
File created:	9/11/2020		In control:	Bay Area Toll Authority	
On agenda:	9/23/2020		Final action:		
Title:					
Sponsors:					
Indexes:					
Code sections:					
Attachments:					
Date	Ver. Action B	у	Acti	on	Result

Recommended Action:

Information



Metropolitan Transportation Commission

Legislation Details (With Text)

File #:	20-1355	Version: 1	Name:			
Туре:	Report		Status:	Agenda Ready		
File created:	9/3/2020		In control:	Bay Area Toll Authority		
On agenda:	9/23/2020		Final action:			
Title:	Closed Session - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION					
	The Authority will meet in closed session pursuant to Government Code Section 54956.9(a) and paragraph (1) of subdivision (d) of Government Code Section 54956.9 to confer with counsel regarding Howard Jarvis Taxpayers Association, et al. vs. The Bay Area Toll Authority, et al., California Court of Appeals, 1st Appellate District Court Case No. A157598 (consolidated with Randall Whitney vs. Metropolitan Transportation Commission, California Court of Appeals, 1st Appellate District Court Case No. A157598 (consolidated bistrict Court Case No. A157598).					
Sponsors:						
Indexes:						
Code sections:						
Attachments:						
Date	Ver. Action By	,	Act	on	Result	

Subject:

Closed Session - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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Metropolitan Transportation Commission

Legislation Details (With Text)

File #:	20-1356	Version:	1	Name:		
Туре:	Report			Status:	Authority Approval	
File created:	9/3/2020			In control:	Bay Area Toll Authority	
On agenda:	9/23/2020			Final action:		
Title:	Open Session					
Sponsors:						
Indexes:						
Code sections:						
Attachments:						
Date	Ver. Action By			Action		Result

Subject: Open Session

Recommended Action:

Authority Approval