



METROPOLITAN TRANSPORTATION COMMISSION

Meeting Transcript



MAY 25, 2022

**METROPOLITAN TRANSPORTATION COMMISSION
BAY AREA INFRASTRUCTURE FINANCING AUTHORITY
WEDNESDAY, MAY 25, 2022 9:05 AM**

ALFREDO PEDROZA, CHAIR: GOOD MORNING EVERYONE MY NAME IS ALFREDO PEDROZA, CHAIR OF THE BAY AREA INFRASTRUCTURE AND FINANCING AUTHORITY WITH VICE CHAIR NICK JOSEFOWITZ, VICE CHAIR. IF WE COULD PLAY THE ANNOUNCEMENT, PLEASE? [RECORDED MEETING PROCEDURES ANNOUNCEMENT] THIS MEETING WILL BE CONDUCTED AS A HYBRID MEETING A ZOOM WEBINAR LINK HAS BEEN PROVIDED AS WELL AS ACCOMMODATIONS FOR IN-PERSON ATTENDANCE. THIS MEETING IS ALSO BEING WEBCAST ON THE METROPOLITAN TRANSPORTATION COMMISSION WEB SITE. COMMISSIONERS AND MEMBERS OF THE PUBLIC PARTICIPATION BY ZOOM, WISHING TO SPEAK, SHOULD USE THE RAISE HAND FEATURE OR DIAL STAR 9, AND THE CHAIR WILL CALL UPON THEM AT THE APPROPRIATE TIME. TELECONFERENCE ATTENDEES WILL BE CALLED UPON BY THE LAST FOUR DIGITS OF THEIR PHONE NUMBER. IT IS REQUESTED THAT PUBLIC SPEAKERS STATE THEIR NAMES AND ORGANIZATION, BUT, PROVIDING SUCH INFORMATION IS VOLUNTARY. WRITTEN PUBLIC COMMENTS RECEIVED AT INFO@BAYAREAMETRO.GOV BY 5 P.M., YESTERDAY, WILL BE POSTED TO THE ONLINE AGENDA AND ENTERED INTO THE RECORD, BUT WILL NOT BE READ OUT LOUD. A ROLL CALL VOTE WILL BE TAKEN FOR ALL ACTION ITEMS. PANELISTS AND ATTENDEES SHOULD NOTE THAT THE CHAT



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1 FEATURE IS NOT ACTIVE. IN ORDER TO PARTICIPATE, PLEASE MAKE
2 SURE YOUR APPLICATION IS UP TO DATE.

3

4 **ALFREDO PEDROZA, CHAIR:** THANK YOU, IT TEAM. WE'LL ROLL INTO
5 ANNOUNCEMENTS. MTC COMMISSIONERS IF YOU ARE IN THE BOARDROOM
6 MAKE SURE YOUR MIC IS ACTIVATED. I WILL CALL ON YOU AT THE
7 APPROPRIATE TIME. FOR REMOTE ATTENDEES USE THE ZOOM RAISED
8 HAND FEATURE AND I'LL CALL YOU AT THE APPROPRIATE TIME. IF WE
9 COULD PLEASE DO ROLL CALL.

10

11 **CLERK, KIMBERLY WARD:** CHAIR PEDROZA?

12

13 **ALFREDO PEDROZA, CHAIR:** HERE.

14

15 **CLERK, KIMBERLY WARD:** VICE CHAIR JOSEFOWITZ? IS ABSENT. ABE-
16 KOGA?

17

18 **MARGARET ABE-KOGA:** HERE.

19

20 **CLERK, KIMBERLY WARD:** COMMISSIONER AHN?

21

22 **EDDIE AHN:** HERE.

23

24 **CLERK, KIMBERLY WARD:** COMMISSIONER CANEPA? ABSENT.

25 COMMISSIONER CHAVEZ? ABSENT. COMMISSIONER CONNOLLY.



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1

2 **DAMON CONNOLLY:** HERE.

3

4 **CLERK, KIMBERLY WARD:** COMMISSIONER DUTRA-VERNACI? ABSENT.

5 COMMISSIONER EL-TAWANSY IS ABSENT. COMMISSIONER FLEMING?

6

7 **VICTORIA FLEMING:** PRESENT.

8

9 **CLERK, KIMBERLY WARD:** COMMISSIONER GIACOPINI?

10

11 **DORENE M. GIACOPINI:** HERE.

12

13 **CLERK, KIMBERLY WARD:** COMMISSIONER GLOVER?

14

15 **FEDERAL D. GLOVER:** HERE.

16

17 **CLERK, KIMBERLY WARD:** COMMISSIONER LICCARDO?

18

19 **SAM LICCARDO:** PRESENT.

20

21 **CLERK, KIMBERLY WARD:** COMMISSIONER MILEY? IS ABSENT.

22 COMMISSIONER PAPAN?

23

24 **GINA PAPAN:** HERE.

25



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1 **CLERK, KIMBERLY WARD:** COMMISSIONER RABBIT?

2

3 **DAVID RABBIT:** HERE.

4

5 **CLERK, KIMBERLY WARD:** COMMISSIONER RONEN? IS ABSENT.

6 COMMISSIONER SCHAFF?

7

8 **LIBBY SCHAAF:** HERE. ALTHOUGH I'M HEARING A LOT OF AUDIO

9 INTERFERENCE.

10

11 **CLERK, KIMBERLY WARD:** THANK YOU. IT'S COMING FROM THE

12 BOARDROOM. COMMISSIONER SPERING? IS ABSENT. COMMISSIONER

13 WORTH?

14

15 **AMY R. WORTH, VICE CHAIR:** HERE.

16

17 **CLERK, KIMBERLY WARD:** THANK YOU. QUORUM IS PRESENT.

18

19 **ALFREDO PEDROZA, CHAIR:** THANK YOU, KIMBERLY. AND COMMISSIONERS

20 WE'LL WORK WITH IT TO TRY TO ADDRESS THE INTERFERENCE THAT YOU

21 MIGHT BE HEARING VIA ZOOM. AT THIS POINT WE'RE GOING TO

22 PROCEED TO ITEM TWO, THE PLEDGE OF ALLEGIANCE. IF YOU COULD

23 PLEASE JOIN ME IN THE PLEDGE, COMMISSIONERS? [PLEDGE OF

24 ALLEGIANCE] "I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED

25 STATES OF AMERICA, AND TO THE REPUBLIC FOR WHICH IT STANDS,



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1 ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE
2 FOR ALL." LET'S PROCEED TO ITEM THREE ON OUR AGENDA/ THIS IS
3 THE COMPENSATION ANNOUNCEMENT.

4

5 **CLERK, KIMBERLY WARD:** AS AUTHORIZED BY STATE LAW I AM MAKING
6 THE FOLLOWING ANNOUNCEMENT. EACH MEMBER OF THE BOARD HERE
7 TODAY WILL BE ENTITLED TO RECEIVE \$100 PER MEETING ATTENDED UP
8 TO A MAXIMUM OF \$500 PER MONTH PER AGENCY. THIS AMOUNT IS A
9 PROVIDED AS A RESULT OF CONVENING A MEETING FOR WHICH EACH
10 MEMBER IS ENTITLED TO COLLECT SUCH AMOUNT.

11

12 **ALFREDO PEDROZA, CHAIR:** PROCEEDING TO ITEM FIVE, CHAIR'S
13 REPORT. I DON'T HAVE A REPORT. WE'LL PROCEED TO THE NEXT ITEM,
14 I DON'T SEE ANY RAISED HANDS IN THE ROOM. KIMBERLY PUBLIC
15 COMMENT?

16

17 **CLERK, KIMBERLY WARD:** THERE ARE NO MEMBERS OF THE PUBLIC WITH
18 THEIR HAND RAISED, AND THERE WAS NO PUBLIC COMMENT SUBMITTED
19 ON THIS ITEM.

20

21 **ALFREDO PEDROZA, CHAIR:** I DON'T SEE ANY PUBLIC COMMENT IN THE
22 BOARDROOM. AT THIS POINT I'LL ENTERTAIN A MOTION FOR APPROVAL
23 OF THE CONSENT CALENDAR.

24

25 **FEDERAL D. GLOVER:** MOVE APPROVAL.



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1

2 **ALFREDO PEDROZA, CHAIR:** FIRST BY COMMISSIONER PAPAN. SECOND BY
3 COMMISSIONER GLOVER. ROLL CALL VOTE PLEASE?

4

5 **CLERK, KIMBERLY WARD:** CHAIR PEDROZA?

6

7 **ALFREDO PEDROZA, CHAIR:** YES.

8

9 **CLERK, KIMBERLY WARD:** VICE CHAIR JOSEFOWITZ IS ABSENT. ABE-
10 KOGA?

11

12 **MARGARET ABE-KOGA:** AYE.

13

14 **CLERK, KIMBERLY WARD:** AHN?

15

16 **EDDIE AHN:** YES.

17

18 **CLERK, KIMBERLY WARD:** CANEPA? IS ABSENT. COMMISSIONER CHAVEZ?
19 IS ABSENT. COMMISSIONER CONNOLLY?

20

21 **DAMON CONNOLLY:** AYE.

22

23 **CLERK, KIMBERLY WARD:** COMMISSIONER DUTRA-VERNACI? IS ABSENT.
24 COMMISSIONER FLEMING?

25



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1 **VICTORIA FLEMING:** YES.

2

3 **CLERK, KIMBERLY WARD:** COMMISSIONER GLOVER? OH, YOU ARE
4 MOUTHING AYE. YOU'RE ON MUTE. COMMISSIONER LICCARDO?

5

6 **SAM LICCARDO:** AYE.

7

8 **CLERK OF THE BOARD:** COMMISSIONER MILEY IS ABSENT. COMMISSIONER
9 PAPAN?

10

11 **GINA PAPAN:** YES.

12

13 **CLERK, KIMBERLY WARD:** COMMISSIONER RABBIT?

14

15 **DAVID RABBIT:** AYE.

16

17 **CLERK, KIMBERLY WARD:** THANK YOU. COMMISSIONER RONEN? IS
18 ABSENT. COMMISSIONER SCHAFF?

19

20 **LIBBY SCHAAF:** AYE.

21

22 **CLERK, KIMBERLY WARD:** COMMISSIONER SPERING IS ABSENT.
23 COMMISSIONER WORTH?

24

25 **AMY R. WORTH:** AYE.



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1

2 **CLERK, KIMBERLY WARD:** THANK YOU. MOTION PASSES UNANIMOUSLY BY
3 ALL MEMBERS PRESENT.

4

5 **ALFREDO PEDROZA, CHAIR:** THANK YOU, KIMBERLY. WE'RE GOING TO
6 PROCEED TO ITEM SIX, THIS IS A PUBLIC HEARING. I WOULD LIKE TO
7 TAKE UP AGENDA ITEM 6A PUBLIC HEARING ON THE PROPOSED
8 AMENDMENT TO THE TOLL FACILITY ORDINANCE. THE PUBLIC HEARING
9 IS NOW OPEN. I CERTIFY SHORT -- THANK YOU, STAFF -- I CERTIFY
10 A SHORTHAND REPORTER IS TRANSCRIBING THESE PROCEEDINGS. IF YOU
11 WISH TO TESTIFY, PARTICIPANTS VIA ZOOM, PLEASE RAISE YOUR HAND
12 OR PRESS STAR NINE AND WAIT TO BE CALLED UPON. IN-PERSON
13 PARTICIPANTS, PLEASE FORM A LINE NEAR THE PODIUM IF YOU WISH
14 TO SPEAK. WE WILL LIMIT PUBLIC PARTICIPATION TO ONE MINUTE. BY
15 THE WAY OF BACKGROUND A SUMMARY OF PROPOSED AMENDMENTS WITH
16 BAIFA AT THE NOVEMBER 2021 MEETING AND UPDATED AS PLANNED AT
17 THE MARCH MEETING. AMENDMENT AND RESTATED TOLL FACILITY
18 ORDINANCE WAS POSTED ON THE MTC WEB SITE BEGINNING ON APRIL
19 19TH AND PROVISION WERE MADE FOR MEMBERS OF THE PUBLIC TO
20 RECEIVE HARD COPIES BY MAIL IF NEEDED. IN MID-APRIL LEGAL
21 NOTICES WERE PUBLISHED IN MULTIPLE TIMES IN MULTIPLE LANGUAGES
22 IN NEWSPAPERS, ALAMEDA, CONTRA COSTA, SANTA CLARA, SAN
23 FRANCISCO, SOLANO COUNTY ANNOUNCING THE OPENING OF A 35-DAY
24 PUBLIC COMMENT PERIOD FOR WRITTEN COMMENT ENDING MAY 24TH AND
25 IDENTIFYING TODAY'S PUBLIC HEARING TO RECEIVE ORAL TESTIMONY



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1 AND WRITTEN COMMENTS ABOUT THE PROPOSED AND RESTATED TOLL
2 FACILITY ORDINANCE. AFTER TODAY'S PUBLIC HEARING STAFF WILL
3 PREPARE A SUMMARY OF THE PUBLIC COMMENT TO INFORM THE
4 AUTHORITY DECISION MAKERS ON THE PROPOSED AMENDMENTS. THE
5 PROPOSED AMENDMENTS AND RESTATED TOLL FACILITY ORDINANCE WILL
6 BE CONSIDERED FOR ADOPTION OF THE BAIFA'S JUNE 22ND MEETING.
7 ITS TITLE IS BAY AREA INFRASTRUCTURE FINANCE AUTHORITY TOLL
8 FACILITY ORDINANCE DATED JULY 22TH, 2016 AS AMENDED AND
9 RESTATED JANUARY 22, 2020, SEPTEMBER 23, 2020, JUNE 22, 2022
10 THE RESOLUTION AND LAWS REFERENCED IN THIS ORDINANCE. BATA
11 RESOLUTION 52, REVISED CALIFORNIA VEHICLE CODE SECTION FIVE --
12 EXCUSE ME -- 40250 THROUGH 40273; 21655.5; 2331.5; 233002;
13 5205.5 485.5; 52004773, GOVERNMENT CODE SECTION 50020 THROUGH
14 50033. 23 UNITED STATES GOVERNMENT SECTION CODE 166 AND TILE
15 21 OF CALIFORNIA GOVERNMENT CODE REGULATION DIVISION TWO
16 CHAPTER 16. I AM MAKING A MOTION TO WAIVE THE READING OF THE
17 AMENDMENT AND RESTATED TOLL AUTHORITY ORDINANCE ALLOWED IN
18 INTEREST OF TIME. COMMISSIONERS, DO I HAVE A SECOND?

19

20 **AMY R. WORTH, VICE CHAIR:** SECOND.

21

22 **ALFREDO PEDROZA, CHAIR:** SECOND, COMMISSIONER WORTH. I'LL ASK
23 STAFF TO PRESENT OVERVIEW OF THE PROPOSED FINDINGS
24 [INDISCERNIBLE] OF THE FACILITY ORDINANCE BEFORE PUBLIC
25 COMMENT BEGINS.



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1

2 **JULIE PIERCE:** SURE. GOOD MORNING, AND CONGRATULATIONS --

3

4 **CLERK, KIMBERLY WARD:** DO WE NEED TO TAKE A ROLL CALL VOTE FOR
5 THE MOTION MADE [INDISCERNIBLE]?

6

7 **ALFREDO PEDROZA, CHAIR:** KIMBERLY, I THINK WE WOULD ALL
8 APPRECIATE THAT. I MADE THE MOTION SECOND BY COMMISSIONER
9 WORTH. LET'S PROCEED TO ROLL CALL TO WAIVE THE BALANCE.

10

11 **CLERK, KIMBERLY WARD:** CHAIR PEDROZA?

12

13 **ALFREDO PEDROZA, CHAIR:** YES.

14

15 **CLERK, KIMBERLY WARD:** VICE CHAIR JOSEFOWITZ? IS ABSENT.
16 COMMISSIONER ABE-KOGA?

17

18 **MARGARET ABE-KOGA:** AYE.

19

20 **CLERK, KIMBERLY WARD:** THANK YOU. COMMISSIONER AHN?

21

22 **EDDIE AHN:** YES.

23

24 **CLERK, KIMBERLY WARD:** COMMISSIONER CANEPA? IS ABSENT.
25 COMMISSIONER CHAVEZ?



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1

2 **CINDY CHAVEZ:** YES.

3

4 **CLERK, KIMBERLY WARD:** COMMISSIONER CONNOLLY?

5

6 **DAMON CONNOLLY:** AYE.

7

8 **CLERK, KIMBERLY WARD:** COMMISSIONER DUTRA-VERNACI? IS ABSENT.

9 COMMISSIONER FLEMING.

10

11 **VICTORIA FLEMING:** YES.

12

13 **CLERK, KIMBERLY WARD:** COMMISSIONER GLOVER?

14

15 **FEDERAL D. GLOVER:** YES.

16

17 **CLERK, KIMBERLY WARD:** LICCARDO?

18

19 **SAM LICCARDO:** YES.

20

21 **CLERK, KIMBERLY WARD:** MILEY? IS ABSENT. COMMISSIONER PAPAN?

22

23 **GINA PAPAN:** YES.

24

25 **CLERK, KIMBERLY WARD:** COMMISSIONER RABBIT?



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1

2 **DAVID RABBIT:** AYE.

3

4 **CLERK, KIMBERLY WARD:** RONEN? IS ABSENT. COMMISSIONER SCHAFF?

5

6 **LIBBY SCHAAF:** AYE.

7

8 **CLERK, KIMBERLY WARD:** COMMISSIONER SPERING? ABSENT.

9 COMMISSIONER WORTH?

10

11 **AMY R. WORTH, VICE CHAIR:** AYE.

12

13 **CLERK, KIMBERLY WARD:** THANK YOU. MOTION PASSES UNANIMOUSLY BY

14 ALL MEMBERS PRESENT.

15

16 **ALFREDO PEDROZA, CHAIR:** THANK YOU, KIMBERLY. AND JUST TO NOTE,

17 COMMISSIONERS HAVE BEEN PROVIDING FEEDBACK. KIMBERLY, I

18 BELIEVE WHEN YOU SPEAK, AND WHEN PIERCE IS SPEAKING, THERE IS

19 SOME FEEDBACK THAT'S BEING GENERATED. SO IF OUR IT TEAM CAN

20 TRY TO ASSIST IN THAT. THANK YOU ALL. LET'S PROCEED TO PIERCE.

21 TAKE IT AWAY.

22

23 **PIERCE GOULD:** GOOD MORNING. I'M SURE IT WAS FUN READING ALL OF

24 THOSE NUMBERS. IF I COULD HAVE MY PRESENTATION BROUGHT UP,

25 PLEASE? GREAT. SUPER. YEAH, SO WE'RE HERE TODAY FOR A PUBLIC



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1 HEARING RELATED TO PROPOSED CHANGES TO THE TOLL ORDINANCE FOR
2 BAIFA'S EXPRESS LANES. THERE IS A MEMO IN YOUR PACKET AND A
3 TRACK CHANGES VERSION OF THE ORDINANCE AS WELL LINKS TO MOST
4 OF THE PUBLIC COMMENT RECEIVED TO DATE. WE WANT TO WALK YOU
5 THROUGHOUT CHANGES STAFF IS RECOMMENDING AND SHARE SOME
6 INITIAL OBSERVATIONS ON WHAT WE HAVE HEARD FROM THE PUBLIC SO
7 FAR. I WILL RETURN TO YOUR JUNE 22ND MEETING WITH A
8 COMPREHENSIVE SUMMARY OF PUBLIC COMMENT AND A STAFF RESPONSE
9 BEFORE YOU CONSIDER ADOPTING THE PROPOSED CHANGES. NEXT SLIDE,
10 PLEASE. OKAY. SO, THE TOLL ORDINANCE ALLOWS BAIFA TO ENFORCE
11 TOLL VIOLATIONS ON ITS 680 AND 880 EXPRESS LANES WHICH ARE
12 CIRCLED HERE IN PURPLE ON THIS MAP OF AUTHORIZED BAY AREA
13 EXPRESS LANES THE ORDINANCE DOCUMENTS POLICIES RELATIVE TO THE
14 HOV POLICY IT WAS LAST AMENDED IN SEPTEMBER 2020 TO ENABLE
15 TOLLING ON THE 680 SOUTHBOUND EXTENSION FROM MARTINEZ TO
16 WALNUT CREEK: STAFF IS PROPOSING A BAIFA AMENDED TOLL
17 ORDINANCE TO MAKE CHANGES TO BE DESCRIBED SHORTLY TODAY'S
18 ACTION IS TO HOLD A PUBLIC HEARING BAIFA WILL CONSIDERING
19 ADOPTING THE PROPOSED CHANGES AT ITS JUNE 22ND MEETING. THE
20 AMENDED PROCESS IS AN OPPORTUNITY TO TOUCH BASE WITH THE
21 PUBLIC ABOUT OUR TOLLING POLICIES AND PROVIDE A FORUM FOR
22 THEIR FEEDBACK. IN ADDITION TO PUBLIC COMMENT WE ALSO CONSIDER
23 THE POLICIES OF OTHER EXPRESS LANE OPERATORS IN THE CONTEXT OF
24 MAINTAINING REGIONAL CONSISTENCY. WE TRY TO BE RESPONSIVE TO
25 PUBLIC COMMENT BUT SOMETIMES IT MAY TAKE TIME TO COORDINATE



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1 WITH OTHER OPERATORS. AND THIS MEANS THAT SOMETIMES BEHAVE'S
2 RESPONSES ARE REFLECTED IN SUBSEQUENT ACTIONS INSTEAD OF
3 IMMEDIATE CHANGES TO THE TOLL ORDINANCE REGARDLESS THE LISTING
4 PROCESS IS KEY. FOR EXAMPLE, WHEN BAIFA AMENDED ITS TOLL
5 ORDINANCE IN THE PAST WE RECEIVED MANY COMMENTS TO ADDRESS
6 AFFORDABILITY AND STAFF HAS BEEN PREPARING A PILOT. IN THE RUN
7 UP OF TODAY'S HEARING STAFF PUBLISHED NOTICES IN MAJOR
8 NEWSPAPERS IN FIVE COUNTIES STARTING A 35 DAY WRITTEN PUBLIC
9 COMMENT PERIOD FROM APRIL 20TH THROUGH MAY 24TH YESTERDAY
10 STAFF POSTED INFORMATION ABOUT THE PROPOSED CHANGES ON THE MTC
11 WEB SITE INCLUDING PROPOSED AMENDED RESTATED TEXT AND FACT
12 SHEETS ISSUED A PRESS RELEASE AND PROMOTIONAL ADVERTISEMENT ON
13 511 E-MAILED TO MANY ORGANIZATIONS TO LEVERAGE COMMUNICATION
14 NETWORKS AND RAN PAID SOCIAL MEDIA CAMPAIGNS ON FACEBOOK AND
15 INSTAGRAM ENCOURAGING THE PUBLIC TO SUBMIT WRITTEN COMMENTS TO
16 A SURVEY FORM CREATED BY STAFF. AS OF LAST NIGHT WE RECEIVED
17 1,744 SURVEY RESPONSES PLUS ONE E-MAIL FROM THE PUBLIC WITH A
18 FEW LINKS POSTED ON MTC'S WEB SITE OF THE RESPONSES 1,328 IN
19 RESPONSE TO THE ENGLISH SURVEY 194 TO THE SPANISH SURVEY AND
20 222 IN RESPONSE TO THE CHINESE SURVEY STAFF CONTINUES TO
21 TRANSLATE AND PROCESS COMMENTS RECEIVED AFTER MAY 15TH AND
22 AIMS TO POST ALL COMMENTS ON THE WEB SITE AS QUICKLY AS
23 POSSIBLE. THE PUBLIC COMMENT HAS BEEN TREMENDOUS ALMOST THREE
24 TIMES PAST FROM THE 880 EXPRESS LANES IN EARLY 2020. MOST
25 PROPOSED CHANGES ARE MOSTLY ADMINISTRATIVE HOWEVER THEY COULD



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1 HAVE BIG IMPACT ON OPERATIONS AND WERE ADVERTISED TO THE
2 PUBLIC AS ENABLING BIG SHIFTS IN POLICY OR TOLLING PRACTICES.
3 THE FIRST CHANGE IS TO ENABLE TOLLING PILOTS TO TEST ALTERNATE
4 TOLLING AND DISCOUNT POLICIES AND NEW TECHNOLOGIES FOR UP TO
5 36 MONTHS. IF APPROVED THIS MEANS BAIFA COULD AUTHORIZE PILOTS
6 BY ORDER ACTION INCLUDING PILOTING A TOLL DISCOUNT FOR LOW-
7 INCOME DRIVERS ON THE 880 EXPRESS LANES. THE SECOND CHANGE IS
8 TO ALLOW MODIFICATIONS TO A VIOLATION PENALTY AMOUNTS AND
9 EXTENSIONS TO VIOLATION PENALTIES BY BOARD RESOLUTION THIS
10 PRACTICE IS CONSISTENT WITH OTHER EXPRESS LANE OPERATORS IN
11 THE REGION AS WELL AS BATA. THIS CHANGE WOULD MAKE IT FASTER
12 AND LESS EXPENSIVE TO MAKE CHANGES WHILE PRESERVING THE
13 PUBLIC'S ABILITY TO COMMENT BEFORE BOARD APPROVAL. STAFF IS IN
14 DISCUSSIONS WITH OTHER EXPRESS LANE OPERATORS TO LOWER
15 VIOLATION PENALTY AMOUNTS ON VARIOUS EXPRESS LANES AND INTEND
16 TO BRING RECOMMENDATIONS TO BAIFA THIS SUMMER. THE EXECUTIVE
17 DIRECTOR'S AUTHORITY TO REDUCE OR SUSPEND TOLL PENALTIES OR
18 MORPH POLICIES IN THE ORDINANCES LIKE HOURS OF OPERATION AND
19 REQUIREMENTS TO RESPOND TO AN EMERGENCY DEFINED AS AN ACT OF
20 GOD OR THREAT TO PUBLIC SAFETY OR WELL-BEING OR ANY DECLARED
21 STATE OF EMERGENCY MOTIVATED BY EXPERIENCE WHEN WE SEE TOLLING
22 ON THE EXPRESS LANES IN THE EARLY MONTHS OF COVID-19 BUT COULD
23 APPLY IN THE CASE OF EARTHQUAKE. WE'RE PROPOSING MINOR CLEAN
24 UP TO EXISTING ORDINANCE WHICH IS NO LONGER APPLICABLE TO
25 OPERATOR EXPRESS LANES. WE RECEIVED PUBLIC COMMENT AND POWER



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1 STILL TRANSLATING AND ANALYZING FOR YOUR JUNE 22ND MEETING BUT
2 WE WANT TO GIVE EARLY OBSERVATIONS ABOUT WHAT WE'RE HEARING.
3 THE NUMBERS IN THE PRESENTATION REFLECT AN PROXIMATE MIDWAY
4 POINT IN PUBLIC COMMENT, WHICH IS WHY THEY DO NOT ALIGN WITH
5 WHAT WE HAVE RECEIVED WHICH IS THE 1,744 RESPONSES TO OUR
6 MULTI-LINGUAL SURVEY FORM AND INCLUDING IN CHINESE THROUGH
7 LAST NIGHT. I WANT TO POINT OUT THAT ALTHOUGH OUR OUTREACH WAS
8 BROAD, RESPONSES TO THE ONLINE SURVEY ARE FROM PEOPLE WHO SELF
9 SELECTED TO COMPLETE THE SURVEY. SO BASICALLY IT IS NOT A
10 SCIENTIFIC SAMPLING. PUBLIC. ON THE IDEA OF ALLOWING TOLLING
11 PILOTS, WE ASKED THE PUBLIC HOW THEY FELT ABOUT PILOTING A
12 TOLL DISCOUNT FOR LOW-INCOME DRIVERS ON THE 880 EXPRESS LANES,
13 AND ALSO FOR THEIR THOUGHTS ON PILOTS IN GENERAL.
14 INTERESTINGLY, THEIR RESPONSES VARIED BY LANGUAGE ENGLISH
15 SPEAKING RESPONDENTS EXPRESSED STRONG OPPOSITION OR STRONG
16 SUPPORT FOR THE TOLL DISCOUNT PILOT WITH A SLIGHT MAJORITY
17 SUPPORTING OR NEUTRAL ON THE IDEAS. SOME OF THE CONCERNS
18 RAISED INCLUDE THE INCOME THRESHOLD BEING TOO LOW AND THE
19 POTENTIAL FOR FRAUD. SPANISH SPEAKING RESPONDENTS HAVE TENDED
20 TO STRONGLY SUPPORT A TOLL DISCOUNT PILOT WHILE CHINESE
21 SPEAKING RESPONDENTS TEND TO OPPOSE IT. MANY CHINESE SPEAKING
22 RESPONDENTS BELIEVE EVERYONE SHOULD BE TREATED EQUALLY IN
23 TERMS OF TOLLS AND INCOME BASED DISCOUNT IS NOT FAIR. THE
24 PILOT ITSELF IS WHAT IS ANIMATING THE PUBLIC OTHERS CONCERNED
25 THE IDEA OF BASE HOUSING AUTHORITY PILOT IN GENERAL MODIFYING



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1 VIOLATION PENALTY AMOUNT OF EXCEPTIONS TO PENALTIES BY BOARD
2 RESOLUTION SIGNIFICANT MAJORITY SURVEY RESPONDENTS ARE NEUTRAL
3 ENGLISH SPANISH AND CHINESE RESPONDENTS EXPECTATION FOR PUBLIC
4 PROCESS INCLUDING OUTREACH FROM PUBLIC FEEDBACK WE'RE NOT OUT
5 OF STEP WITH THE PUBLIC SO WE'RE NOT OUT OF STEP ON THIS
6 CHANGE. BASED ON SURVEY COMMENTS, SURVEY RESPONDENTS EXPRESSED
7 MIXED OPINIONS ON IF TOLL VIOLATION PENALTIES SHOULD BE
8 LOWERED. SOME THINK THAT HIGH PENALTIES DISCOURAGE CHEATING
9 WHILE OTHERS THINK PENALTIES SHOULD BE LOW OR INCOME-BASED FOR
10 EQUITY REASONS. SOME PEOPLE COMMENTED ON THE NEED FOR GRACE
11 AND FORGIVENESS POLICIES FOR FIRST-TIME OFFENDERS, WHICH IS
12 ALREADY OUR PRACTICE FOR THOSE WHO SIGN UP FOR A FASTRAK
13 ACCOUNT. NEXT SLIDE PLEASE. REGARDING DEFINING EMERGENCY
14 AUTHORITY A SIGNIFICANT MAJORITY EXPRESS NIGHT NEUTRAL SEVERAL
15 SHARED TOLLING IMPORTANT TO HAVE A CLEAR DEFINITION OF
16 EMERGENCY AND TO SET LINES ON THE EXECUTIVE DIRECTOR'S
17 AUTHORITY COMMENTS MOSTLY IMPLIED THIS IS A REASONABLE POLICY
18 BUT THERE WAS SKEPTICISM ABOUT TOO MUCH POWER IN THE HANDS OF
19 A SINGLE PERSON. NEXT SLIDE PLEASE. WHILE WE TRY TO USE THE
20 SURVEY FORMAT TO FOCUS PUBLIC COMMENTS ON THE CHANGES BEING
21 CONSIDERED WE ALSO HEARD SOME OTHER FEEDBACK NOTABLY THERE WAS
22 A SIGNIFICANT SHARE OF ENGLISH RESPONDENTS AND SOME SPANISH
23 AND CHINESE RESPONDENTS VOCAL ABOUT OPPOSITION TO TOLLS AND
24 CONCERN FOR THE MIDDLE CLASS RESPONDENTS VOICED DISTRUST OF
25 GOVERNMENT AND DECISION MAKERS LASTLY SOME PEOPLE WANTED MORE



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1 INFORMATION TO BE ABLE TO ANSWER THE SURVEY QUESTIONS. THE MTC
2 WEB SITE ADDRESS ON THIS SLIDE IS WHERE STAFF HAS POSTED LINKS
3 TO COMMENTS RECEIVED IN ENGLISH, SPANISH, AND CHINESE AS WELL
4 AS INFORMATION ABOUT THE AMENDMENT PROCESS THERE IS ALSO LINKS
5 ON THE ITEM TODAY IN YOUR AGENDA. NEXT SLIDE PLEASE. BEFORE
6 MOVING ON I WANT TO REMIND YOU ABOUT THE SCHEDULE, OUR WRITTEN
7 PUBLIC COMMENT PERIOD WAS FROM APRIL 20TH TO YESTERDAY MAY
8 24TH. AFTER TODAY'S PUBLIC HEARING, I WILL SHARE A MORE
9 DETAILED SUMMARY OF PUBLIC COMMENT, INCLUDING THOSE EXPRESSED
10 AT THE PUBLIC HEARING TODAY AT BAIFA'S JUNE 22ND MEETING,
11 ALONG WITH A STAFF RESPONSE BEFORE BAIFA CONSIDERS APPROVING
12 THE PROPOSED CHANGES TO THE TOLL ORDINANCE IF APPROVED STAFF
13 PLANS TO ASK BAIFA FOR A TOLL DISCOUNT PILOT ON THE 880
14 EXPRESS LANES AND WILL GIVE AN UPDATE ON THE STATUS OF
15 LOWERING TOLL VIOLATION PENALTY AMOUNTS AT THE JUNE MEETING.
16 THIS CONCLUDES MY PRESENTATION.

17

18 **ALFREDO PEDROZA, CHAIR:** THANK YOU, PIERCE, FOR THAT
19 PRESENTATION. AT THIS POINT, I WILL ASK IF WE HAVE ANY ORAL
20 TESTIMONY ON THE PROPOSED AMENDMENT AND RESTATED TOLL
21 ORDINANCE -- OR THE TOLL FACILITY ORDINANCE? I DON'T SEE ANY
22 TESTIMONY IN THE BOARDROOM. LET ME GO DO COMMISSIONERS AT THIS
23 POINT. COMMISSIONER PAPAN?

24



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1 **GINA PAPAN:** THANK YOU, MR. CHAIR. AND COMPLIMENTS FOR YOUR
2 OUTREACH. I UNDERSTAND THE SELF SELECTED PARTICIPATION HERE. I
3 WOULD BE CURIOUS, AS WE PROCESSES PROGRESS DOWN THIS AVENUE
4 THAT IF PEOPLE ARE BEING FINED, THAT WE ALSO TAKE THAT
5 OPPORTUNITY TO FIND OUT, DID THEY HAVE A MISUNDERSTANDING?
6 WHAT LED THIS TO HAPPEN? WERE THEY GIVEN -- AS YOU SAY YOU
7 HAVE A GRACE PERIOD FOR FIRST TIME OFFENDERS, BUT WE WANT TO
8 AVOID THAT TOO, SO JUST AS A LEARNING EXPERIENCE AS WE
9 PROGRESS DOWN THIS AVENUE, WHICH I DO THINK IS VERY IMPORTANT,
10 WE, ALSO, INCLUDE SOME SORT OF PROCESS, EITHER TO DEFINE OUR
11 COMMUNICATION IN THE FUTURE, OR JUST GET THE MOST INFORMATION
12 WE POSSIBLY CAN. THANK YOU.

13

14 **ALFREDO PEDROZA, CHAIR:** THANK YOU, COMMISSIONER PAPAN. I DON'T
15 SEE ANY OTHER COMMISSIONERS THAT WISH TO PROVIDE FEEDBACK IN
16 THE BOARD CHAMBERS. KIMBERLY DO WE HAVE ANY COMMISSIONERS
17 VIRTUALLY?

18

19 **CLERK, KIMBERLY WARD:** I SEE NO COMMISSIONER HANDS, ONLY HANDS
20 OF THE MEMBERS OF THE PUBLIC. OH, I DO SEE COMMISSIONER
21 WORTH'S HAND IS UP.

22

23 **AMY R. WORTH, VICE CHAIR:** OKAY. THANK YOU, THANK YOU, MR.
24 CHAIR. [INDISCERNIBLE]. [AUDIO DIFFICULTIES] I WANT TO THANK
25 STAFF FOR THE INCREDIBLE WORK ON THIS. I KNOW WE'LL BE TAKING



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1 ACTION NEXT MONTH BUT I THINK THE COMMUNITY OUTREACH IS REALLY
2 IMPORTANT, AND, ALSO, JUST YOUR DEEP DIVE INTO OUR WHOLE
3 TOLLING STRUCTURE AND HOW WE CAN CONTINUE TO ENHANCE IT AND
4 SERVE THE NEEDS OF OUR COMMUNITY, AND THE WORK THAT'S BEING
5 DONE ON THEIR BEHALF. SO, THANK YOU VERY MUCH.

6

7 **ALFREDO PEDROZA, CHAIR:** THANK YOU, COMMISSIONER WORTH.
8 KIMBERLY DO WE HAVE ANY OTHER COMMISSIONERS WHO WISH TO MAKE
9 COMMENTS?

10

11 **CLERK, KIMBERLY WARD:** NO HANDS, MR. CHAIR.

12

13 **ALFREDO PEDROZA, CHAIR:** MEMBERS OF THE PUBLIC THAT WISH TO
14 PROVIDE PUBLIC TESTIMONY?

15

16 **CLERK, KIMBERLY WARD:** I SEE TWO MEMBERS OF THE PUBLIC. FIRST
17 IS ALETA DUPREE. IF YOU WOULD LIKE TO UNMUTE YOURSELF. YOU
18 HAVE ONE MINUTE. I'LL GO AHEAD AND SHARE MY SCREEN.

19

20 **SPEAKER:** THANK YOU, CHAIR ALFREDO PEDROZA, ALETA DUPREE FOR
21 THE RECORD, SHE AND HER. I HOPE YOU CAN HEAR ME BECAUSE IT
22 SOUNDS LIKE THERE IS A THUNDER STORM GOING ON. I AM IN SUPPORT
23 -- I THINK THERE IS A LOT OF GOOD WORK GOING ON HERE. I
24 BELIEVE IN THE PREMISE OF USER FEES FOR PAYING FOR ROADS AND
25 ROADS HAVE TO BE PAID FOR BECAUSE I KNOW WHAT IT'S LIKE TO



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1 DRIVE ON BAD ROADS. SO WE WANT TO KEEP THESE ROADS UP. I FEEL
2 THAT IT IS IMPORTANT FOR OUR EXECUTIVE DIRECTOR TO HAVE
3 AUTHORITY TO BE ABLE TO MAKE EMERGENCY CHANGES, BECAUSE THINGS
4 MOVE FAST, AND IT TAKES A WHILE TO GET A WHOLE PANEL OF PEOPLE
5 TOGETHER. AND I HAVE KNOWN THERESE FOR QUITE A WHILE, AND I
6 THINK SHE WOULD DO A VERY GOOD JOB MAKING SUCH DIVISION
7 DECISIONS. AND I THINK WE HAVE A NEED FOR A MEANS BASED PILOT.
8 I THINK THIS IS WORTH PASSAGE AND I LOOK FORWARD TO SEEING
9 WHAT OUR JUNE PROPOSAL LOOKS LIKE. THANK YOU.

10

11 **CLERK, KIMBERLY WARD:** THANK YOU. NEXT SPEAKER IS BOBBY LEE.
12 PLEASE UNMUTE YOURSELF. YOU WILL HAVE ONE MINUTE.

13

14 **SPEAKER:** THANK YOU. YOU KNOW, I'M ALSO SUPPORTIVE OF ALL THE
15 CHANGES PROPOSED. I WANT TO MENTION THAT EXPANDING THE INCOME
16 CONSIDERATIONS IS GOING TO BE HUGE HERE. THINKING ABOUT T NOT
17 JUST AT THE FEDERAL POVERTY LEVEL BUT SOMEWHERE UP TO 400% OF
18 THE FEDERAL POVERTY LEVEL COULD BE A GOOD THRESHOLD TO THINK
19 ABOUT FOR THE LOW-INCOME TOLL DISCOUNT. I ALSO WANT TO MENTION
20 ENFORCEMENT CONTINUES TO BE AN ISSUE IN THE EXPRESS LANES AND
21 I WOULD LIKE TO SEE IF STAFF COULD PROVIDE A STATUS UPDATE ON
22 THE STATE OF ENFORCEMENT PILOTS THAT ARE CURRENTLY IN
23 PROGRESS. SUCH AS THOSE OCCUPANCY CAMERA PILOTS OR THE ABSENCE
24 OF DRIVERS TO DECLARE OCCUPANCY THAT'S UNCLEAR TODAY WHERE ALL
25 OF THOSE PILOTS STAND. THANK YOU.



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1

2 **CLERK, KIMBERLY WARD:** THANK YOU. I SEE NO ADDITIONAL HANDS
3 RAISED, MR. CHAIR.

4

5 **ALFREDO PEDROZA, CHAIR:** THANK YOU, KIMBERLY. I'LL BRING IT
6 BACK TO THE AUTHORITY. COMMISSIONERS ANY FINAL QUESTIONS? NOW,
7 KIMBERLY, I WILL SAY THAT WE DID RECEIVE EXTENSIVE VOLUME OF
8 WRITTEN COMMENTS. WILL YOU -- DO YOU NEED TO LIST THE NAMES
9 AND ORGANIZATIONS THAT PROVIDED THOSE PUBLIC COMMENTS?

10

11 **CLERK, KIMBERLY WARD:** ARE YOU REFERRING TO THE ONES THAT ARE
12 IN THE SPREADSHEET THAT WERE POSTED?

13

14 **ALFREDO PEDROZA, CHAIR:** CORRECT. SO IT'S ALL POSTED ON,
15 CORRECT?

16

17 **CLERK, KIMBERLY WARD:** CORRECT. EVERYTHING IS POSTED. PIERCE
18 REFERENCED THAT DURING HIS PRESENTATION, SO I DON'T BELIEVE WE
19 NEED TO MENTION IT ANY FURTHER. WE RECEIVED NOTHING FURTHER IN
20 WRITING.

21

22 **ALFREDO PEDROZA, CHAIR:** AT THIS POINT COMMISSIONERS I DON'T
23 SEE ANY OTHER DIALOGUE. WE HAVE ASKED FOR PUBLIC COMMENT ON
24 THIS. AND, AS KIMBERLY MENTIONED, ALL PUBLIC COMMENT HAS BEEN
25 POSTED ON OUR WEB SITE AND WILL BE PART OF THE RECORD FOR



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1 THESE PROCEEDINGS. AT THIS POINT I WILL DECLARE THIS HEARING
2 TO BE CLOSED AND ASK STAFF TO PRESENT A WRITTEN SUMMARY OF
3 PUBLIC COMMENTS RECEIVED TODAY AT THE JUNE 22ND BAIFA MEETING
4 BEFORE THE AUTHORITY CONSIDERS ADOPTING THE AMENDMENT AND
5 RESTATED TOLL FACILITY ORDINANCE. NEXT ITEM IS PUBLIC COMMENT
6 I'LL ASK THE CLERK TO LIST ITEMS RECEIVED UNDER WITH PUBLIC
7 COMMENT ASSOCIATED WITH THIS ITEM AT INFO@BAYAREAMETRO.GOV BY
8 5 P.M. INTO THE RECORD. I'LL ASK IF THERE ARE ANY MEMBERS OF
9 THE PUBLIC THAT WISH TO PROVIDE PUBLIC COMMENT PLEASE APPROACH
10 THE PODIUM IN THE BOARDROOM; IF NOT, ALSO RAISE YOUR VIRTUAL
11 HAND.

12

13 **CLERK, KIMBERLY WARD:** I HAVE RECEIVED NOTHING IN WRITING. I
14 SEE ONE MEMBER OF THE PUBLIC WITH THEIR HAND RAISED. ALETA
15 DUPREE, IF YOU WOULD LIKE TO UNMUTE YOURSELF. YOU HAVE ONE
16 MINUTE.

17

18 **SPEAKER:** THANK YOU, AGAIN, CHAIR ALFREDO PEDROZA. ALETA
19 DUPREE, FOR THE RECORD; SHE AND HER. AS I SPEAK GENERALLY
20 ABOUT BAIFA, HOW DO WE GET PEOPLE INTERESTED IN BAIFA AND TO
21 UNDERSTAND THE ROLL OF BAIFA IN ONE'S LIFE. I DO NOT OWN A CAR
22 ANYMORE. BUT I HAVE HAD CARS, AND I HAVE DRIVEN MANY PLACES
23 ALL OVER THE COUNTRY, AND THE IMPORTANCE OF INVESTING IN OUR
24 INFRASTRUCTURE, AND USING THE EXPRESS LANES OF BAIFA IS ONE
25 WAY TO DO IT. CAN WE GET PEOPLE EXCITED ABOUT BAIFA? AND I



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1 KNOW IT'S ONE OF THOSE THINGS THAT PEOPLE OFTEN DON'T THINK
2 ABOUT, LIKE PEOPLE DON'T OFTEN THINK ABOUT WHERE THE
3 ELECTRICITY COMES FROM, THEY JUST TURN ON THE SWITCH. SO, I
4 WOULD LIKE -- WE CAN CHOOSE TO BE INFORMED, AND ONE WAY TO BE
5 INFORMED IS BY COMING TO THESE MEETINGS AND HEARING WHAT Y'ALL
6 HAVE TO SAY. THANK YOU.

7

8 **CLERK, KIMBERLY WARD:** THANK YOU. I SEE NO ADDITIONAL HANDS
9 RAISED, MRS. CHAIR.

10

11 **ALFREDO PEDROZA, CHAIR:** ALL RIGHT. AT THIS POINT, THAT
12 CONCLUDES PUBLIC COMMENT. WE'RE GOING TO MOVE TO ITEM EIGHT;
13 ADJOURNMENT. THE NEXT MEETING OF THE AUTHORITY IS SCHEDULED TO
14 BE HELD JUNE 22ND, WEDNESDAY. ANY CHANGES WILL BE DULY
15 NOTICED. [ADJOURNED

16

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