

**Bay Area Toll Authority  
Oversight Committee**

May 10, 2023

Agenda Item 3a - 23-0606

**BATA Resolution No. 52, Revised. Update on Low-Income Payment Plan and FasTrak®  
Policy Changes: Referral to Authority**

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**Subject:**

An update on the Low-Income Payment Plan and a request that BATA Resolution No. 52, Revised be referred to the full Authority for approval of policies related to the Payment Plan and violations for state-owned bridges.

**Background:**

At the May 2021 BATA Oversight Committee meeting, staff unveiled a strategy to make tolling in the Bay Area more equitable. Since then, staff has implemented a reduction in violation penalties, changes to make it easier and more affordable to open a FasTrak® account, and elimination of cash payment network fees. In compliance with Assembly Bill 2594 (AB2594), staff is preparing to launch a new low-income toll and violation penalty payment plan beginning July 1, 2023.

**Unpaid Violations and Payment Plan**

In June 2022, this Committee approved sending BATA's backlog of unpaid violations to DMV for registration hold or to collections following establishment of a process for low-income individuals to participate in a payment plan. In early September 2023, BATA will begin placing the unpaid violations that have accumulated since the start of invoicing in January 2021 on DMV registration hold or sending them to collections. Staff are currently working with the Customer Service Center Contractor to determine the work off plan for the backlog of approximately 15 million unpaid violations representing more than \$110 million in unpaid tolls while also developing the payment plan.

The low-income payment plan is on target to be delivered by July 1, 2023. Although only bridges are required to offer a payment plan by this date, in February 2023, all members of the Bay Area Express Lanes Network Executive Steering Committee, which is comprised of the executive staff from the Bay Area express lanes operators and other state and local agencies with an interest in express lanes tolling, supported a recommendation to implement the payment plan on the same timeframe as the toll bridges and with the same policies. Express Lanes operators

are in the process of taking approval items to their respective boards. As outlined in the presentation to this Committee in October 2022, the payment plan will be available as follows:

- Available to individuals who qualify as low income, defined as 200 percent or less of the federal poverty guidelines.
- Transactions in first violation notice status through violations on DMV registration hold or at collections status can be included in a payment plan.
- Minimum debt to enter into a payment plan is \$100 in tolls, penalties, and DMV fees combined.
- No maximum debt to enter into a payment plan.
- Minimum first payment amount to enter into a payment plan is 50% of tolls owed or \$100, whichever is lower; this payment is required before violations on DMV registration renewal hold are released.
- Maximum number of plans: No concurrent plans will be allowed; up to two plans in a four-year period.

As a reminder and as presented in October 2022, BATA's approach meets or exceeds statutory requirements of AB2594 (refer to Attachment A). Attachment B provides an example of how the payment plan will support qualified low-income drivers.

### **BATA One-Time Violation Penalty Waiver**

Starting July 1, 2023, BATA also proposes to offer a one-time waiver of violation penalties on state-owned bridges to all customers with no limitation on the timeframe when the violations occurred. This waiver serves two purposes: (1) addresses the requirement in AB2594 to provide a waiver of violation penalties for low-income drivers who received bridge toll violations occurring between March 20, 2020 and January 1, 2023 (“COVID Waiver”); and (2) expands on the requirements of the AB2594 COVID Waiver by offering it to anyone with violations on state-owned bridges regardless of income level, which will assist the FasTrak® Customer Service Center in more efficiently handling the increase in calls starting July 1. To obtain the waiver, a customer must call the FasTrak® Customer Service Center and pay all tolls and DMV fees owed, or if eligible, enter into a payment plan and make the first payment. Customers will also be provided information on how to pay tolls to avoid receiving future violations and will be

encouraged to open a FasTrak<sup>®</sup> account. This one-time waiver will be available through September 30, 2024, which is consistent with the COVID Waiver requirements in AB2594.

### **Communications Plan**

In conjunction with deployment of the payment plan, one-time waiver for state-owned bridges, and plan to send unpaid violations for state-owned bridges to DMV for registration hold or to collections, BATA will initiate a regional campaign to educate drivers about the need to pay tolls and to make them aware of the payment plan. Staff presented the plan for this campaign at the December 2022 Committee meeting. The campaign will target multiple languages and cultures. Staff will target the region as a whole using billboards, broadcast TV and radio, web and mobile ads and online video, social media, and media relations. To reach Equity Priority Communities, staff will use local and multilingual/multicultural print ads, bulk mailing, neighborhood outreach, collaboration with other agencies such as the Department of Motor Vehicles, and outreach to community-based organizations.

### **Payment Plan Evaluation**

At the December Committee meeting, Commissioners requested information on how the payment plan would be evaluated. The goal of the evaluation will be to identify key metrics and compare any shifts over time. Staff will use readily available and consistent data. Staff will look at enrollment period statistics on a three-month basis and program statistics on a 12-month basis. Program statistics metrics will include:

- Number of applicants and qualifying participants
- Payment plan compliance, completion and default rates
- Starting balance
- Monthly payment amounts
- Length of plans
- Payment media and payment channel data
- Demographics

Related key indicators will include the number of FasTrak<sup>®</sup> accounts that are created and any decrease in the volume of DMV registration holds.

**Resolution No. 52, Revised – FasTrak® Regional Customer Service Center Policy**

**Revisions: Updates for Low-Income Payment Plan and Violations**

Staff recommends revising BATA Resolution No. 52, Revised to include (1) policies to establish a low-income payment plan; (2) an updated policy for a violation penalty waiver offered by BATA for the state-owned bridges and (3) updated violation penalty amounts adopted by express lanes operators for transactions occurring on or after October 3, 2022. The policies for the payment plan and violation penalty waiver for the state-owned bridges would be effective July 1, 2023 upon deployment of the Payment Plan. Attachment C includes BATA Resolution No. 52, Revised.

**Issues:**

None identified.

**Recommendations:**

Staff recommends that this Committee refer BATA Resolution No. 52, Revised, to the Authority for approval to establish policies for a toll and violation penalty payment plan for low-income drivers, update the policy for a violation penalty waiver on state-owned bridges, and update the violation penalty amounts adopted by express lanes operators for transactions occurring on or after October 3, 2022.

**Attachments:**

- Presentation Slides
- Attachment A – AB2594 and BATA Payment Plan
- Attachment B – Low Income Payment Plan Example
- Attachment C – BATA Resolution No. 52, Revised



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Andrew B. Fremier

**Attachment A – AB2594 and BATA Payment Plan**

	<b>AB 2594 (Ting) Section 40269.5</b>	<b>BATA Recommendation</b>
<b>Open to?</b>	Low income (up to 200% federal poverty guidelines)	Low income (up to 200% federal poverty guidelines)
<b>Where and when effective?</b>	Bridges 7/1/23 Express lanes 7/1/24	<b><u>All agencies by 7/1/23</u></b>
<b>Minimum owed?</b>	\$100 in penalties (includes DMV fees)	\$100 in tolls/penalties and DMV fees <b><u>combined</u></b>
<b>Maximum owed?</b>	\$2,500 in penalties	<b><u>Unlimited</u></b>
<b>Both tolls and penalties included in payment plan?</b>	Penalties, including DMV fees	<b><u>Partial tolls</u></b> and all penalties & DMV fees
<b>Minimum first payment amount to enter plan and release DMV holds</b>	Full amount of tolls owed plus first payment plan payment	<b><u>50% of tolls owed or \$100, whichever is lower</u></b>
<b>Max # plans</b>	No concurrent plans; 2 in 6 years	No concurrent plans; 2 in <b><u>4</u></b> years

Note: Underlined text exceeds requirements in AB2594

**Attachment B – Low-Income Payment Plan Example**

Low income person has 15 BATA Bridge Violations on DMV registration hold

Tolls:	\$105
Violation Penalties	\$225
DMV Hold Fees	\$45
<b>Total to Release DMV Registration Hold:</b>	<b>\$375</b>

Policies applied starting July 1, 2023:

	<b>On or After July 1, 2023</b>
Violation Penalty Waiver Policies	One-time only, waive all violation penalties
• Tolls owed	\$105
• Violation penalties owed	\$0
• DMV hold fees owed	\$45
<b>Total to release DMV registration hold:</b>	<b>\$150</b>
Additional Payment Plan Policies for Low-Income Drivers	If debt is \$100 or greater, can enter payment plan, make first payment and DMV registration holds are released
• First payment amount to release DMV registration hold	<b>\$52.50</b> (50% of tolls owed)
• Monthly payments	\$25 for 3 months \$22.50 in 4 <sup>th</sup> month

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 10/27/21-BATA  
11/17/21-BATA 05/24/23-BATA

ABSTRACT

BATA Resolution No. 52, Revised

This resolution adopts the FasTrak<sup>®</sup> 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<sup>®</sup> 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<sup>®</sup> 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<sup>®</sup> Regional Customer Service Center Policies are applicable to all facilities served by the FasTrak<sup>®</sup> 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.

Attachment A to this Resolution was revised on October 27, 2021 to amend the policies to reduce the violation penalties for violations on the state-owned bridges, effective January 1, 2021 and to clarify existing practices. Reduced penalties may apply to other toll facilities, if adopted by their respective agencies.

Attachment A to this Resolution was revised on November 17, 2021 to amend the policies effective March 31, 2022 to reduce the tag deposit, reduce the pre-paid toll account opening balance for accounts funded by cash or check, and have agencies absorb cash payment network convenience fees for FasTrak<sup>®</sup> account replenishments and violation notice payments on behalf of customers, and also revised to make clarifying edits.

Attachment A to this Resolution was revised on May 24, 2023 to include the reduced violation penalties adopted by express lanes operators for transactions occurring on or after October 3, 2022; amend the policies related to waiver of toll evasion penalties; add policies related to a payment plan for low-income customers; and to make other clarifying changes.

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, September 9, 2020, October 13, 2021, November 10, 2021, and May 10, 2023.



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

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

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

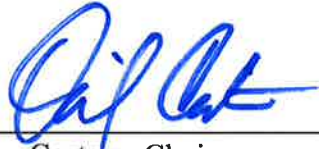
WHEREAS, BATA and the Golden Gate Bridge Highway and Transportation District entered into a Cooperative Agreement on August 26, 2003 to consolidate FasTrak™ Service Center operations, and

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

RESOLVED, 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



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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 10/27/21-BATA  
11/17/21-BATA 05/24/23-BATA

Attachment A  
Resolution No. 52  
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**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**



**Regional Customer Service Center Policies**

**effective December 8, 2012, as revised on May 24, 2023**

	<b>Policy</b>	<b>Regional CSC effective December 8, 2012, as revised on May 24, 2023</b>
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- \$25 per tag N/A for License Plate Account and One Time Payment
11.	Replenishment Amount	<b>Private:</b> Credit card - \$25 per tag min. Cash/check - \$40 per tag min. or 1-month average based on previous 90 days usage  <b>Business:</b> 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 - \$5 per tag, waived for first 3 tags  Cash/check Account - \$5 per tag  N/A for License Plate Account and One Time Payment



**Regional Customer Service Center Policies**  
**effective December 8, 2012, as revised on May 24, 2023**

	<b>Policy</b>	<b>Regional CSC effective December 8, 2012, as revised on May 24, 2023</b>
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.	<b>Reciprocity</b>	
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.	<b>Account fees</b>	
25.	Additional Statement Fee	1. \$1 for monthly paper statements 2. \$1 statement regeneration 3. \$7 for disk (business and commercial accounts only)
26.	Bad Check Fee	\$25
27.	Tag Replacement Charges	\$5 interior \$5 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**



**Regional Customer Service Center Policies**

**effective December 8, 2012, as revised on May 24, 2023**

	<b>Policy</b>	<b>Regional CSC effective December 8, 2012, as revised on May 24, 2023</b>
32.	Violation Policies	

33. Toll Evasion	<p style="text-align: center;"><u>Violations</u></p> <p style="text-align: center;"><u>Golden Gate Bridge</u> <u>Regional express lanes, effective for transactions before October 3, 2022:</u></p> <p style="text-align: center;">1<sup>st</sup> Notice Toll + \$25 penalty</p> <p style="text-align: center;">2<sup>nd</sup> Notice Toll + \$70 penalty</p> <p style="text-align: center;"><u>State-owned bridges:</u></p> <p style="text-align: center;">1<sup>st</sup> Notice Toll + \$5 penalty</p> <p style="text-align: center;">2<sup>nd</sup> Notice Toll + \$15 penalty</p> <p style="text-align: center;"><u>Regional express lanes, effective for transactions on or after October 3, 2022:</u></p> <p style="text-align: center;">1<sup>st</sup> Notice Toll + \$10 penalty</p> <p style="text-align: center;">2<sup>nd</sup> Notice Toll + \$30 penalty</p> <p style="text-align: center;">Exceptions:</p> <ol style="list-style-type: none"><li>1. If the violation is determined to be the fault of the toll agency.</li><li>2. One-Time Waiver for Golden Gate Bridge and Express Lanes Violations: For 1<sup>st</sup> time offense, upon request a non-customer can open a FasTrak® account prior to DMV registration hold or collections and the penalty will be waived.</li><li>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.</li><li>4. One-Time Waiver for State-Owned Bridge Violations: Upon request, violation penalties will be waived for all open violations at the time of request, up to and including violations on DMV registration hold or at collections. A customer is eligible for this waiver one time only. To receive the waiver, the customer must pay all outstanding tolls and DMV processing fees or, if eligible, enter into a low-income payment plan in accordance with Section 37 below and make the first payment. This waiver is effective July 1, 2023 and expires September 30, 2024. This waiver may apply to other toll facilities if adopted by their respective agencies.</li></ol> <p>Processing fee of \$3 for DMV registration holds or as otherwise set by the DMV, when applicable.</p>
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	<b>Policy</b>	<b>Regional CSC effective December 8, 2012, as revised on May 24, 2023</b>
34.	Cash Payment Network	
35.	Electronic Toll Collection Payment Locations	<p>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, <a href="http://www.bayareaFasTrak.org">http://www.bayareaFasTrak.org</a>. 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, FasTrak® Account replenishment, and Violation Notice payments until further notice.</p>
36.	<b>Payment Plan Policies</b>	
37.	Payment Plan	<p>Effective July 1, 2023, a payment plan will be available to qualified Bridge customers as follows:</p> <ol style="list-style-type: none"> <li>1. Available to individuals who qualify as low income (defined as 200 percent or less of the federal poverty guidelines).</li> <li>2. Transactions in first violation notice status through violations on DMV registration hold or at collections can be included in a payment plan.</li> <li>3. Minimum debt to enter into a payment plan: \$100 in tolls, penalties, and DMV processing fees combined.</li> <li>4. Maximum debt to enter into a payment plan: None.</li> <li>5. Minimum first payment amount to enter into payment plan: 50% of tolls owed or \$100, whichever is lower; this payment is required before violations on DMV registration renewal hold may be removed.</li> <li>6. Maximum number of plans: No concurrent plans will be allowed; up to two plans in a four-year period; eligibility will be verified each time customer applies for a payment plan.</li> </ol> <p>Other toll facilities may participate in the payment plan if adopted by their respective agencies.</p>