

Bay Area Infrastructure Financing Authority (BAIFA)

December 18, 2019

Agenda Item 5a

Public Hearing: Proposed BAIFA Toll Facility Ordinance Amendment

Subject: A public hearing on proposed tolling rules for the future I-880 Express Lanes and tolling rule changes for the already-open I-680 Contra Costa Express Lanes.

Background: At its December 2019 meeting, BAIFA will hold a public hearing on its proposed amended and restated Toll Facility Ordinance (see Attachment A). In October, staff gave BAIFA an overview of the proposed amendment, which would add tolling rules for the future I-880 Express Lanes in Alameda County as well as update some tolling rules for the I-680 Express Lanes in Contra Costa County (see Attachment B). The toll ordinance is required by statute to enforce toll violations. BAIFA's proposed amended and restated Toll Facility Ordinance specifies its tolling rules in the context of Caltrans-approved operational policy so all rules are transparent for the public.

Proposed tolling rules for the I-880 Express Lanes include:

- **Hours of operation:** 5 am to 8 pm (Caltrans approved)
- **HOV eligibility:** 3 or more persons (Caltrans approved)
- **Scaled tolls:** Solo drivers would pay the full toll. Vehicles with 2 persons and clean air vehicles (CAVs) would pay 50 percent of the full toll. Eligible HOVs with 3 or more persons would pay no toll. In addition, a minimum toll of \$0.50 per toll zone would apply.
- **FasTrak® required:** All vehicles must have a FasTrak® account, and vehicles eligible for reduced tolls must use a FasTrak Flex® toll tag.
- **Enforcement and Toll Violation Penalties:** Toll enforcement would be automated using license plate cameras. If a vehicle is not associated with a FasTrak® account, a violation notice would be issued by the toll system. Toll violation penalties would be set equal to those charged by BATA, currently \$25 for the first notice and \$70 for the second notice. CHP would enforce vehicle occupancy requirements and other rules.

In addition, proposed updates of tolling rules for the I-680 Express Lanes are:

- Increase the existing minimum toll from \$0.30 to \$0.50; and
- Set toll rates for CAVs to 50 percent of the full toll.

BAIFA's proposed amended and restated Toll Facility Ordinance has been posted on MTC's website since November 14 at <https://mtc.ca.gov/whats-happening/events/public-hearings> and www.mtc.ca.gov/express-lanes. The amended and restated ordinance has also been available at MTC's offices in 'The Hub' on the 1st floor of the Bay Area Metro Center and are on file with the Secretary of BAIFA. The public comment period began on November 18 per the Notice of Public Hearing published in newspapers and an MTC press release. Staff held two open houses in the I-880 corridor on December 3 and 11, and alerted the public to the opportunity to provide comments through social media and local stakeholder agencies. The written public comment period ends December 18 at 5:00 p.m. after the Public Hearing. Staff will summarize comments received and the agency's response at the January 22, 2020 BAIFA meeting prior to a scheduled adoption vote at that same meeting.

Issues:

In October, Commissioners raised several questions about the proposed tolling rules:


- **Should clean air vehicles (CAVs) pay more than the proposed 50 percent toll?**

Staff recommends BAIFA proceed with a 50 percent toll for CAVs now and revisit the toll amount in the future. Key reasons include:

- Consistency with state-owned bridges and VTA, which began charging CAVs a 50 percent toll on the SR-237 express lanes in November 2019;
 - Simple public messaging – offering a 50 percent toll for both CAVs and vehicles with two persons allow BAIFA to more effectively communicate the large number of changes associated with the I-880 express lane opening, thereby easing the transition for travelers; and
 - It balances goals to improve operations and reduce greenhouse gas emissions championed by the state, local governments, transportation and air quality agencies – and allows us to adjust as needed, given potential based on future shifts in policy and impacts of CAVs on lane performance.
- **How should BAIFA address equity for low-income travelers?**
Staff acknowledges this area deserves more attention and recommends we take the opportunity to “listen and learn” before embracing a particular approach. Staff plans to leverage planned equity engagement in the coming months by MTC and efforts by other local agencies to engage low-income people and learn about equity solutions from their perspective for the best program outcome. Staff will seek agreement with other express lanes operators for a consistent approach to equity.
 - **How can the region achieve consistency in tolling rules?** Staff expects significant consistency across all open express lanes by the end of 2020, but that as the express lane network grows, a more sustainable model for decision-making would be advantageous. Staff proposes to re-engage partner agencies and Commissioners on this topic starting in early 2020. Models for consideration include, but are not limited to: an MOU among agencies committing to adopting consistent rules; a Joint Policy Committee to consider and recommend consistent rules; a single regional express lane agency.

Recommendation: This item is for information only in anticipation of the public hearing.

Attachments: Attachment A: Proposed BAIFA Amended and Restated Toll Facility Ordinance
Attachment B: October 23, 2019 BAIFA Presentation
Attachment C: December 18, 2019 BAIFA Presentation
Attachment D: Correspondence Received


Therese W. McMillan

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

July 27, 2016

(as amended and restated January 22, 2020)

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

The Bay Area Infrastructure Financing Authority ordains as follows:

Section 1. Purpose.

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

Section 2. Scope.

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

Section 3. Definitions.

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

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

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

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

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

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

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

“BATA” means the Bay Area Toll Authority.

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

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

“CTOC” means the California Toll Operators Committee.

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

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

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

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

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

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

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

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

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

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

“MTC” means the Metropolitan Transportation Commission.

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

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

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

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

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

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

“Vehicle Code” means the California Vehicle Code.

“Violation” has the meaning assigned in Section 8.2.

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

Section 4. Timing.

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

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

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

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

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

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

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

Section 6. Tolls.

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

Section 7. Exemptions from Tolls; Discount Tolls.

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

(A) vehicles entering a BAIFA toll facility outside the hours of operation of that facility.

(B) high occupancy vehicles.

(C) motorcycles.

- (D) public transportation vehicles and over-the-road buses that serve the public.
- (E) California Highway Patrol vehicles policing a BAIFA toll facility.
- (F) authorized emergency vehicles.

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

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

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

7.5 Motorists driving clean air vehicles shall be eligible to claim the discounted toll, if any, specified for clean air vehicles in Attachment A to this ordinance. Clean air vehicles must use a properly-mounted FasTrak Flex® toll tag to accurately indicate clean air vehicle status (by switching the tag to the '2' or '3' setting) or follow such other methods for indicating eligibility for the discount as shall be specified by BAIFA online at the BAIFA toll facility website.

Section 8. Enforcement and Penalties.

8.1 This ordinance adopts and incorporates by this reference, as though fully set forth herein, the administrative procedures and penalties in Article 4, Chapter 1 of Division 17 of the Vehicle Code as amended from time to time hereafter. The processing of notices of toll evasion violations and notices of delinquent toll evasion violations shall be conducted in accordance with those procedures and penalties by BATA, as the processing agency for BAIFA within the meaning of Section 40253 of the Vehicle Code. The FasTrak® Regional Customer Service Center Policies set forth in Attachment A to BATA Resolution No. 52, Revised, as amended from time to time, shall be applicable to the BAIFA toll facilities and this ordinance (except to the extent they conflict with the provisions of this ordinance) and are hereby adopted and incorporated by reference into this ordinance as though fully set forth herein.

8.2 It shall be a Violation to:

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

8.3. The Penalties for Violations under this ordinance shall be the penalties set forth in Attachment A to this ordinance.

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

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

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

Section 9. Severability.

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

Section 10. Amendment.

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

Section 11. Delegated Authority.

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

Section 12. Effective Date.

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

BAY AREA INFRASTRUCTURE FINANCING AUTHORITY

Scott Haggerty, Chair

The above ordinance was first adopted by the Bay Area Infrastructure Financing Authority at a regularly-scheduled meeting of BAIFA held in San Francisco, California, on July 27, 2016, and amended and restated by the Authority at a regularly-scheduled meeting of BAIFA held in San Francisco, California, on January 22, 2020.

ATTACHMENT A TO
BAY AREA INFRASTRUCTURE FINANCING AUTHORITY TOLL FACILITY ORDINANCE

Facilities and Tolls

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

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

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

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

Penalties for Violations

All Violations

1st Notice
Toll + \$25 penalty

2nd Notice
Toll + \$70 penalty

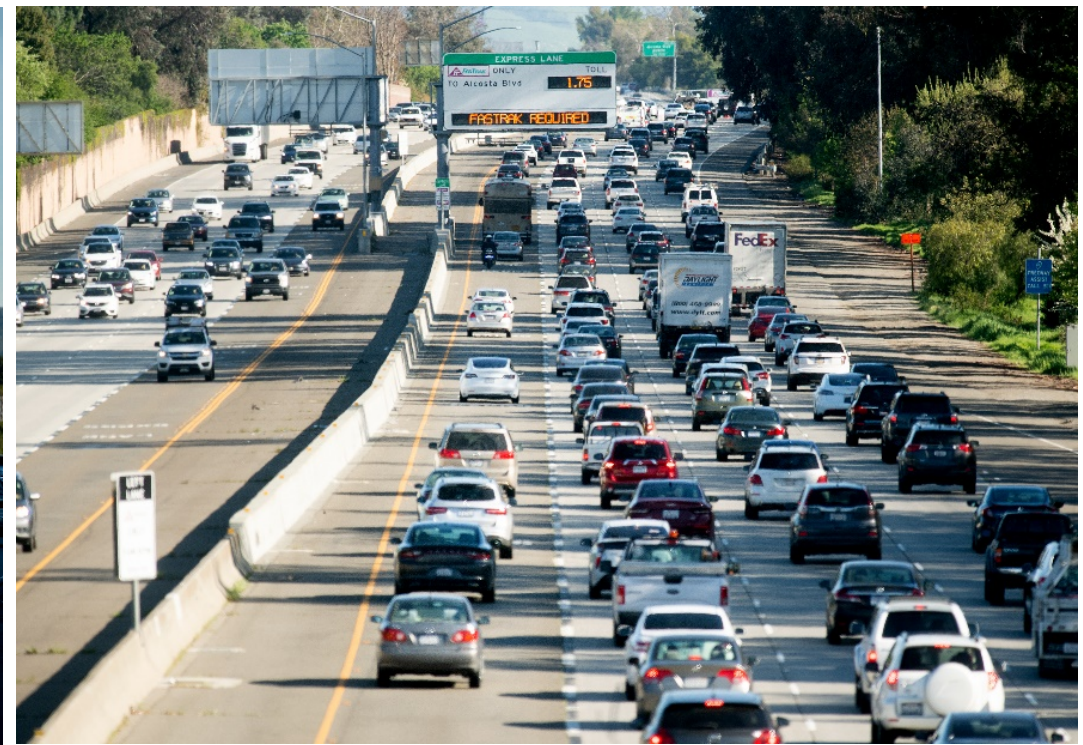
Exceptions:

1. If the violation is determined to be the fault of the toll agency.
2. For 1st time offense, a non-customer can open a FasTrak[®] account 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 opening balance amount prior to posting the violation toll amount.

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

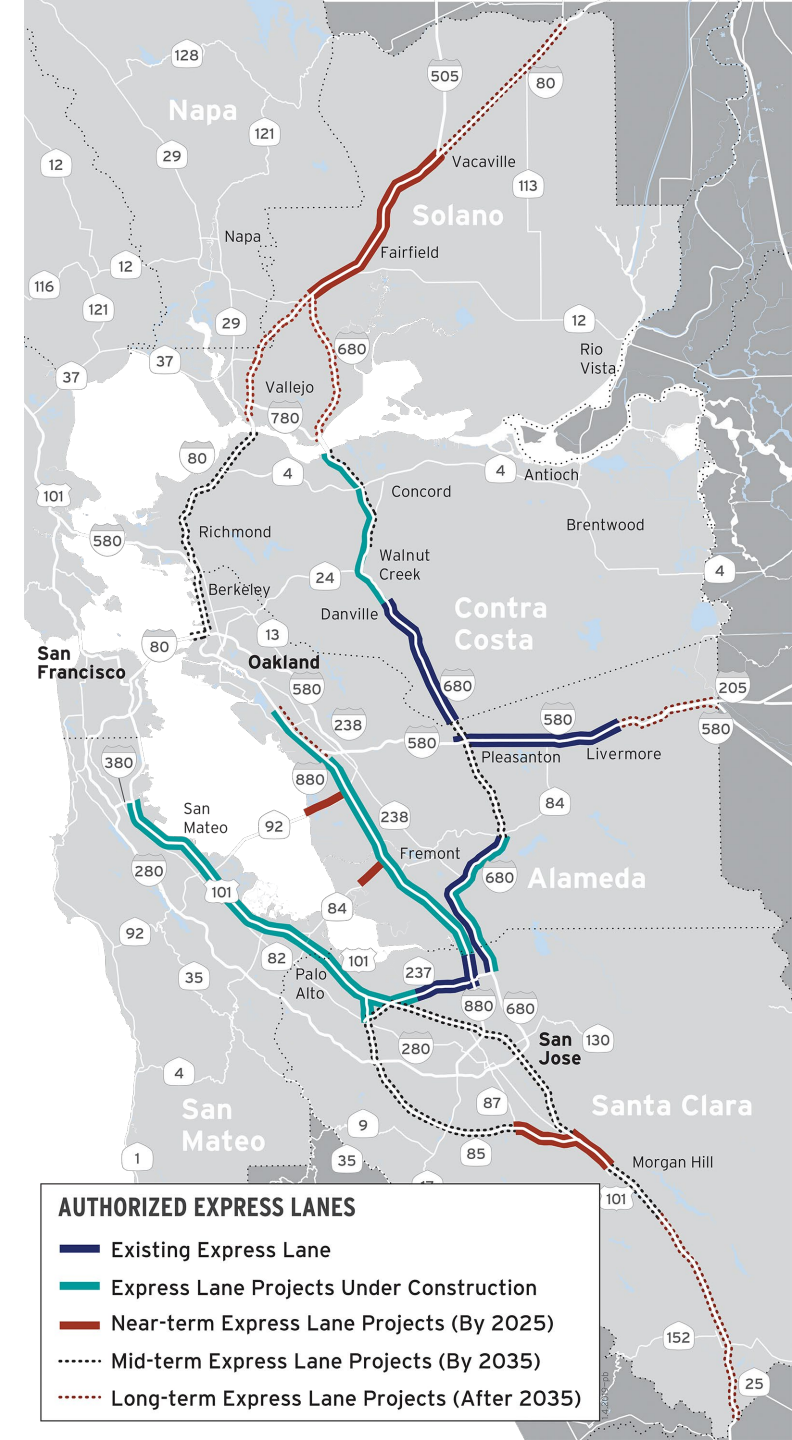
Toll Facility Ordinance Amendment: I-880 Express Lanes

Bay Area Infrastructure Financing Authority
October 23, 2019



Why Express Lanes?

- Improve HOV lane performance to offer better service to carpools and buses
- Offer a more reliable trip for everyone
- Move more people with existing capacity
- Expand network for carpools and buses

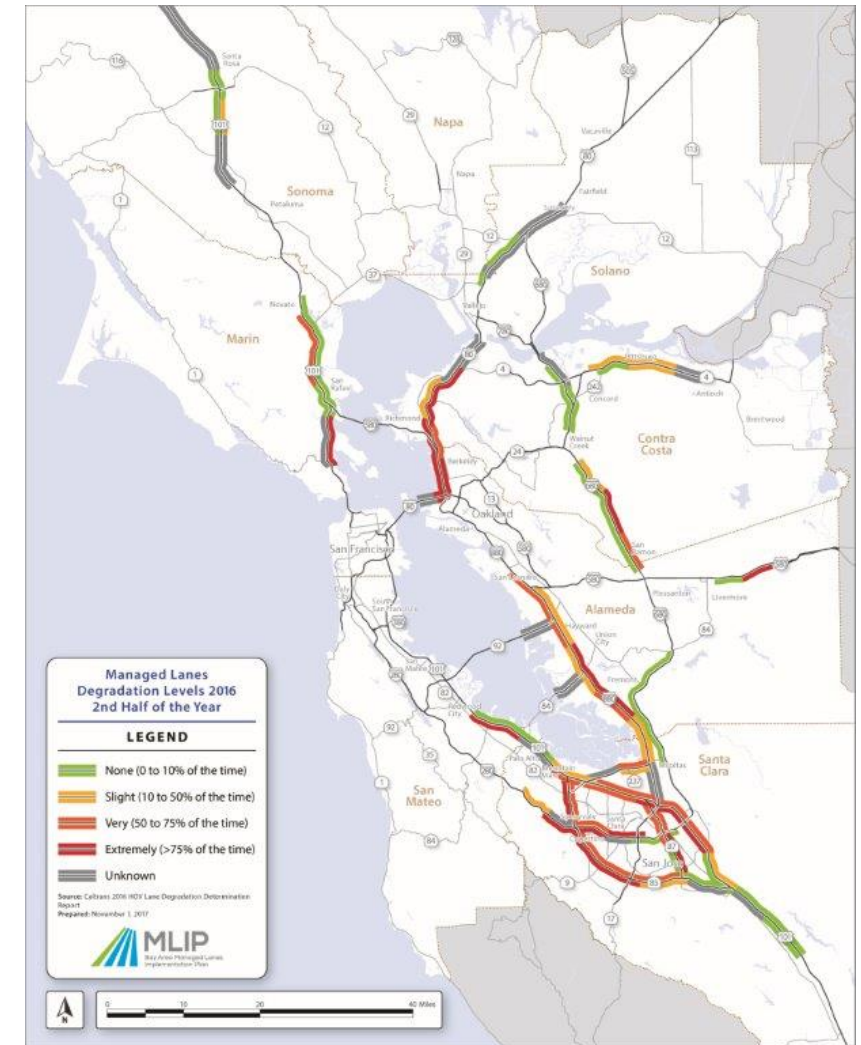


HOV Lanes are Stressed

- 69% of Bay Area HOV lane miles degraded (2017)
- Explored in Managed Lanes Implementation Plan (2015-2017)





Factors:

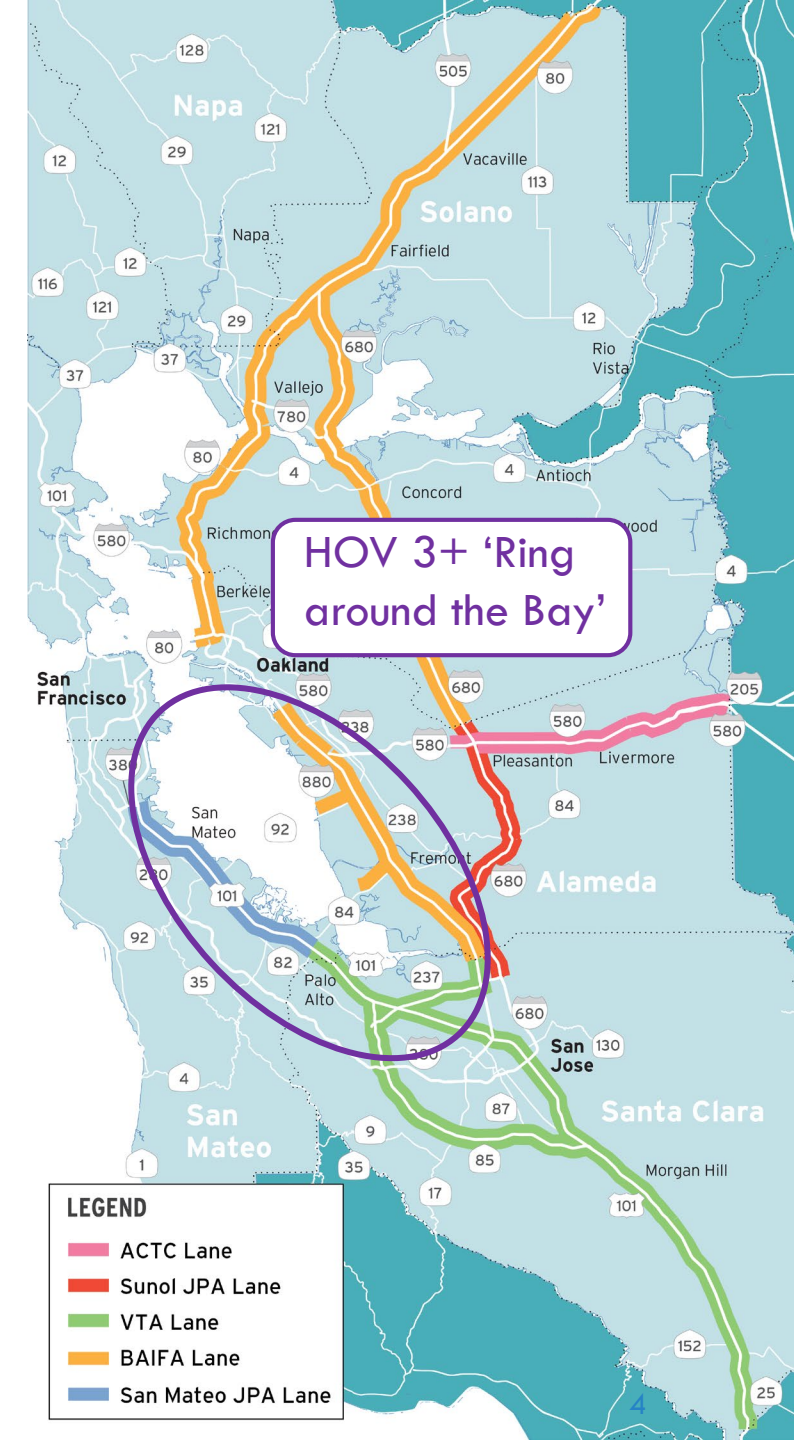
- More traffic, including carpools
- Limited enforcement options leads to HOV violators: 24% average (AM Peak)
- Clean air vehicle (CAV) growth continues: About 90,000 decals issued in Bay Area in 2019
- Hours of operation and HOV eligibility do not always align with traffic



Ring around the Bay: Congested, Connected, Consistent

- Conversions of degraded HOV lanes on I-880, SR-237 and US-101 in 2020 and 2021 represent opportunity and necessity
- Connected lanes should have consistent policies
- Agencies must work together
 - Caltrans: freeway HOV policy
 - BATA: bridge HOV policy
 - Express lanes operators: toll policy

Policy Alignment	Toll Facility
Summer 2020	   Dumbarton & San Mateo-Hayward Bridge Approaches
Fall 2021	



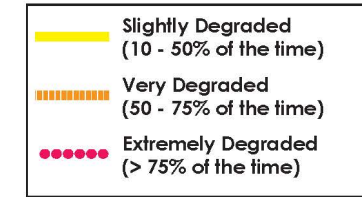
I-880 HOV Lanes Today

- HOV 2+
- 90% of corridor is very or extremely degraded
- 20% of vehicles are HOV violators (e.g. solo drivers)
- 20% of vehicles are Clean Air Vehicles

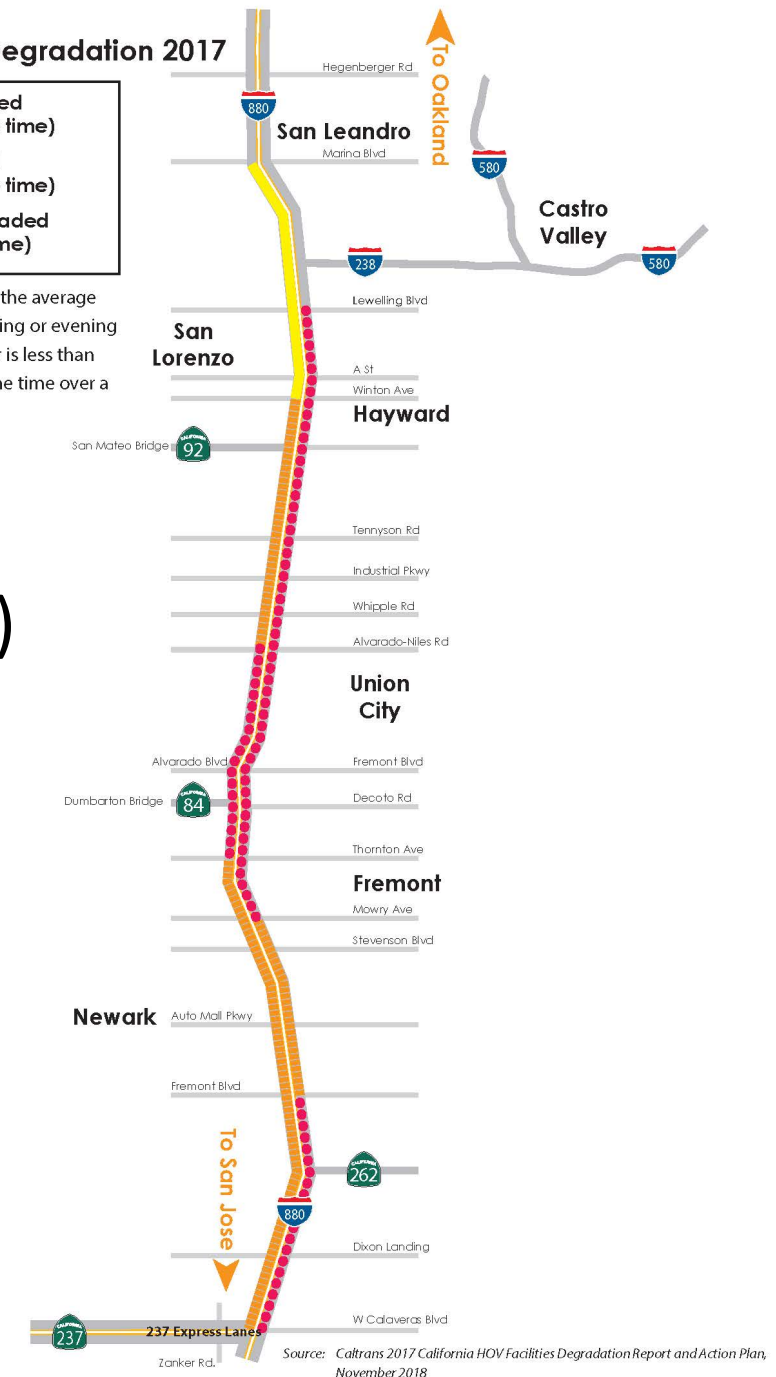
Unreliable, but opportunity for improvement

**Data collected on I-880 northbound in Fremont during PM peak in 2018; consistent with MLIP data from 2015*

I-880 HOV Lane Degradation 2017



An HOV facility is degraded if the average traffic speed during the morning or evening weekday peak commute hour is less than 45 mph for ore than 10% of the time over a consecutive 180-day period.



I-880 Express Lanes: Project Status

Conversion of HOV lanes to tolled express lanes

Civil construction
largely complete
(Summer 2019)

Customer
Education
(Spring 2020)

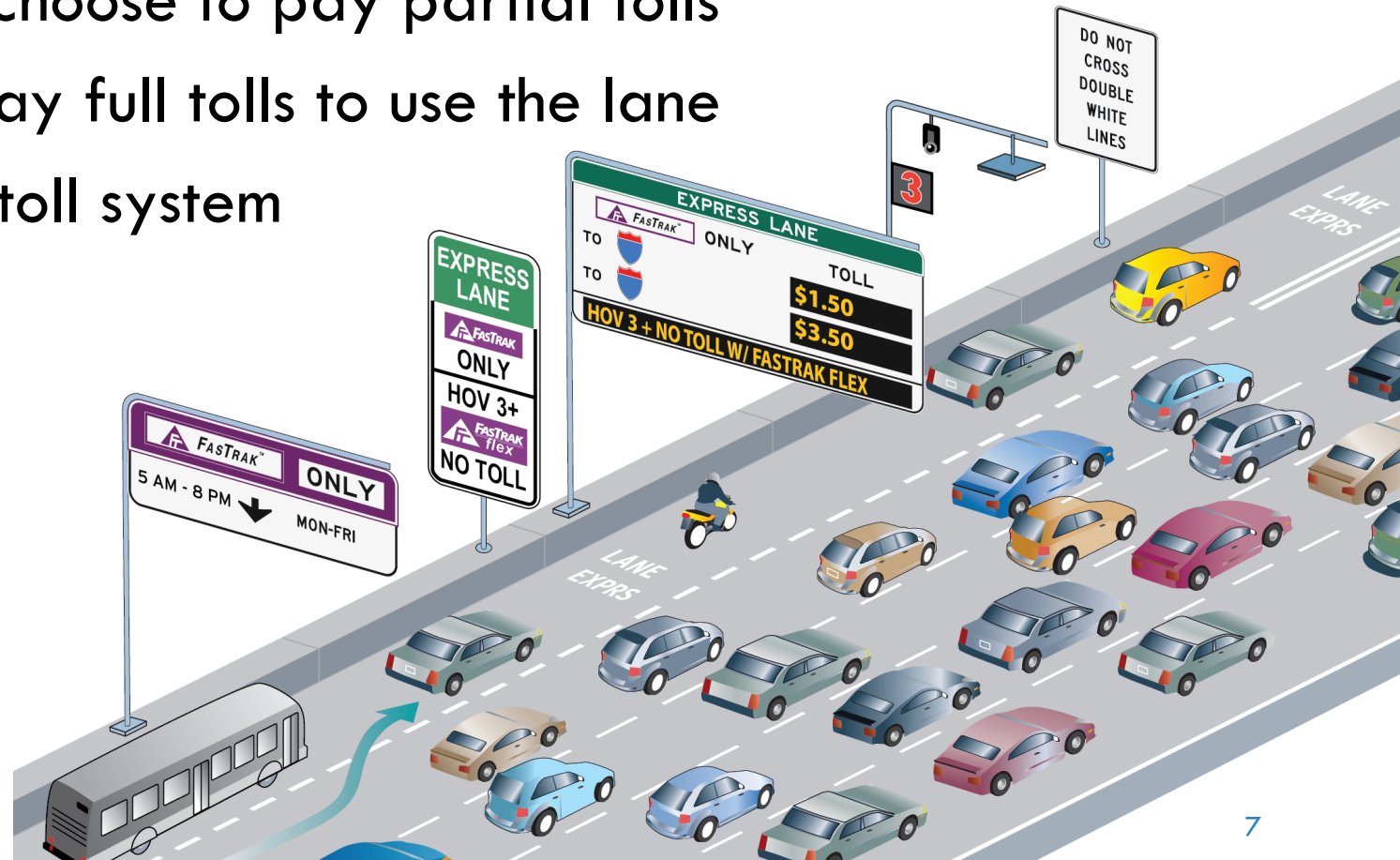
Toll system
installation &
testing; lane
striping
complete
(Spring 2020)

Tolling begins
(Summer 2020)



How Express Lanes Work

- Tolls can change every 5 minutes based on traffic
- Eligible carpools, vanpools, buses, motorcycles & CAVs can use the lane for free or choose to pay partial tolls
- Solo drivers can choose to pay full tolls to use the lane
- Enforcement is enhanced by toll system technology



Proposed I-880 Tolling ‘Road Map’

Rule	880 HOV Lane Today	880 Express Lane When Open	Why?
Operating Hours <i>(Caltrans approved)</i>	5am to 9am 3pm to 7pm	5am to 8pm	Manage non-recurrent traffic Regional consistency
★ HOV Eligibility <i>(Caltrans approved)</i>	HOV 2+	HOV 3+	Meet federal speed requirements Encourage higher person throughput
★ Scaled Tolls <i>(BAIFA adoption proposed)</i>	No	\$0.50 min per zone; no max Solo drivers: full toll 2 Persons & CAVs: 50% toll HOV 3+: no toll	Meet federal speed requirements ‘Ring around the Bay’ consistency Encourage higher person throughput
★ FasTrak Required <i>(BAIFA adoption proposed)</i>	No	Yes	Enable payment & improve enforcement Regional consistency
Enforcement <i>(BAIFA adoption proposed)</i>	Manual (CHP)	Manual (CHP) and Automated (toll system) Auto. toll violations match BATA: \$25 1 st notice; \$70 2 nd notice	Ensure drivers follow tolling rules Regional consistency

High-Occupancy Vehicle (HOV) Eligibility

- ▶ HOV 3+ when lanes open

Decision Factors:

- Severe degradation as HOV 2+ facility
- Meet federal speed requirements
- Part of 'Ring around the Bay' concept for toll policy consistency

HOV 3+ 'Ring
around the Bay'



HOV 3 +
IS 3
OR MORE
PERSONS
PER
VEHICLE

Scaled Tolls & Toll Zones

- ▶ Dynamic pricing
- ▶ Min. toll per zone: \$0.50; no max. toll
- ▶ Scaled tolls:
 - Full toll: Solo drivers
 - 50% toll: 2 persons & CAVs
 - No toll: HOV 3+, buses, motorcycles
- ▶ Specifies toll zones

Decision Factors:

- Consistency with other express lanes
- Meet federal speed requirements



Rules of the Road (Proposed for BAIFA adoption)

FasTrak[®] Required



- ▶ FasTrak account required
- ▶ Legacy FasTrak toll tag OK for solo driver
- ▶ FasTrak Flex[®] toll tag required for toll-exempt or reduced toll trips
- ▶ CAVs (red or purple stickers) required to register for a new CAV FasTrak Flex toll tag
- ▶ No FasTrak account? Toll violation (penalties match BATA bridges)

Decision Factors:

- Consistency with other express lanes and bridges
- Enable occupancy declaration and improve enforcement

Proposed I-680 Express Lanes Tolling Changes

- ▶ Increase minimum zone toll to \$0.50
- ▶ Require CAVs to register for a new CAV FasTrak Flex toll tag and pay 50% toll

Decision Factors:

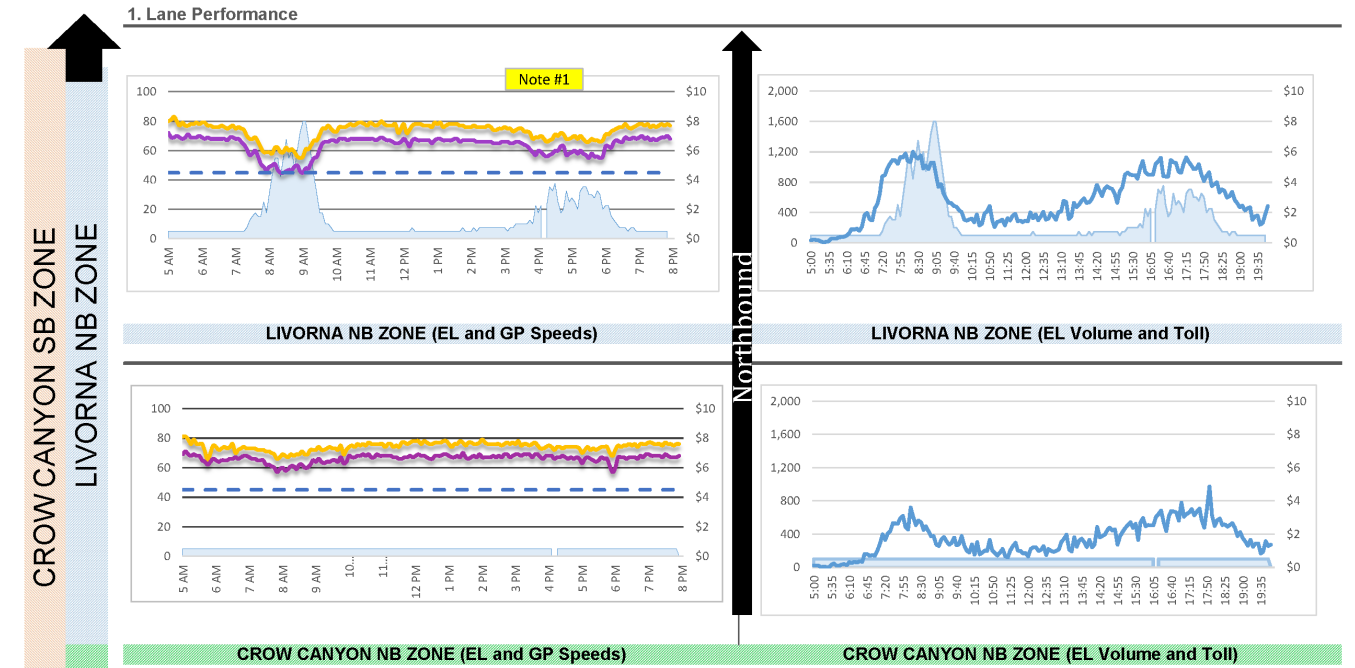
- Actual tolling practice (to cover cost)
- Consistency with other express lanes

Rule	I-680 Today	I-680 Proposed
Operating Hours*	5 AM – 8 PM	Same
HOV Eligibility*	HOV 2+	Same
FasTrak Required	Yes	Same
★ Scaled Tolls (BAIFA adoption proposed)	Zone toll: \$0.30 min; no max Solo Driver: full toll HOV 2+: no toll CAV: no toll	Zone toll: \$0.50 min; no max Solo Driver: Same HOV 2+: Same CAV: 50% toll
Enforcement	Manual (CHP) and Automated (toll system) Auto. toll vios. match BATA: \$25 1 st notice; \$70 2 nd notice	Same

* Caltrans approved

What to expect when 880 opens?

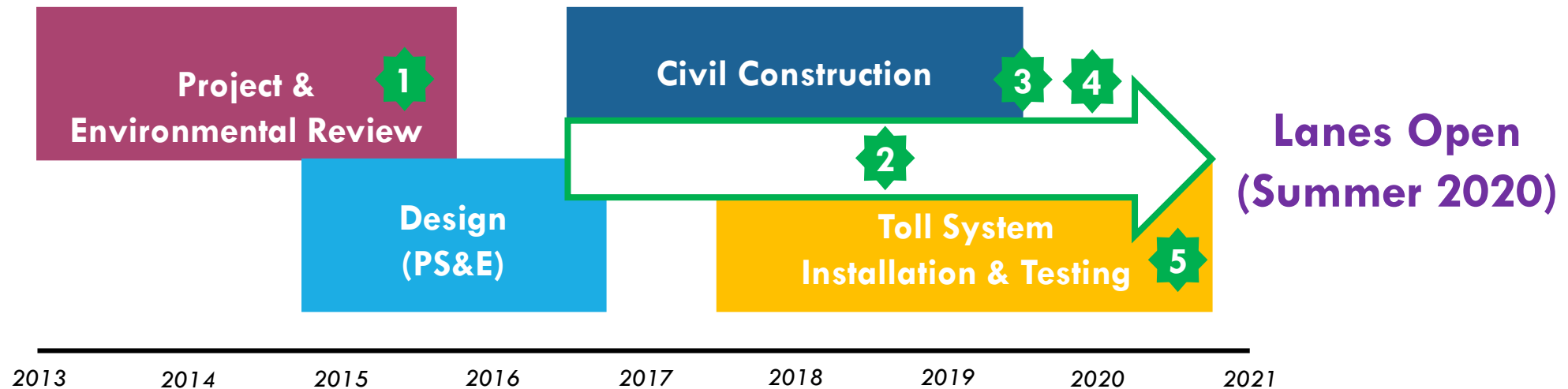
- Public learning curve
 - Tolling 'rules of the road'
 - Where to get in and out of the lanes given partial access restrictions
- Daily traffic monitoring and analysis
- Adjustments as needed after reasonable 'break-in' period



Example of daily monitoring of I-680 Contra Costa Express Lanes

I-880 Express Lanes Outreach Overview

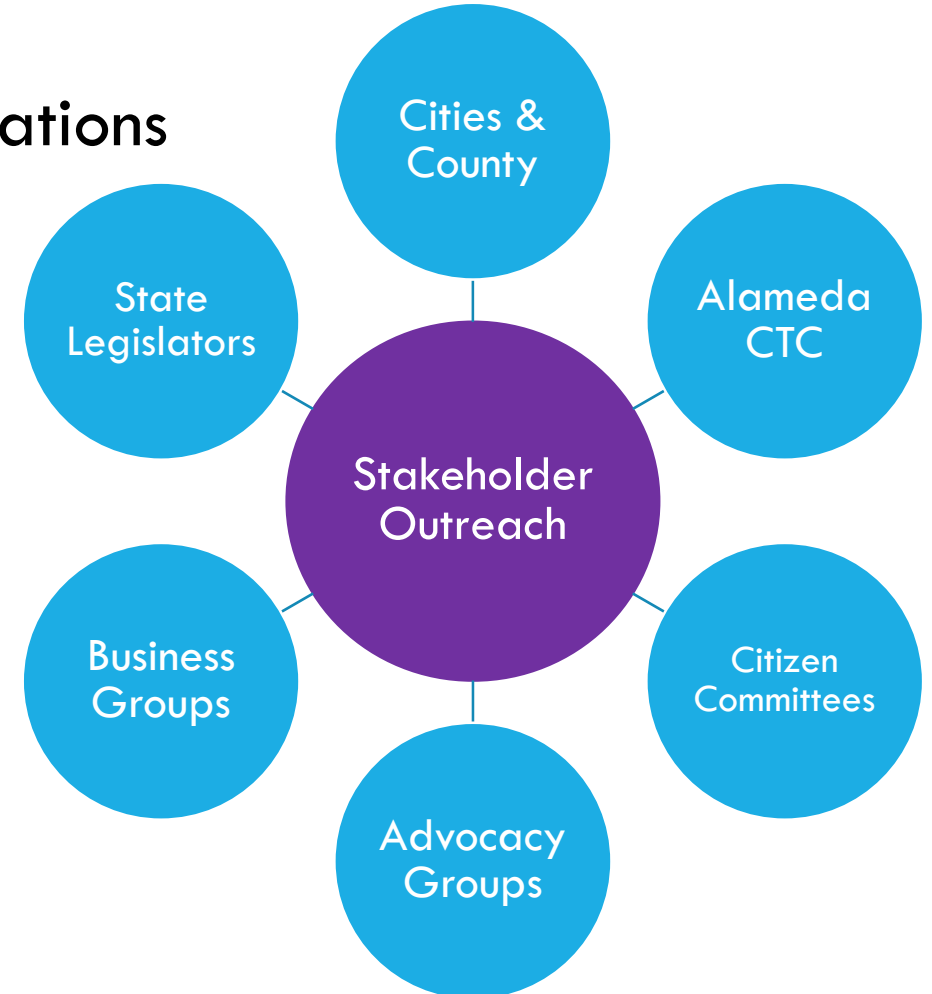
- 1** Stakeholder & Public Outreach (2015)
- 2** On-going Project Updates (2016 – 2020)
- 3** Stakeholder Outreach (Spring-Fall 2019)
- 4** Public Notice & Toll Ordinance (Fall-Winter 2019/20)
- 5** Customer Education Campaign (Spring-Summer 2020)



Stakeholder Outreach (Spring-Fall 2019)

Purpose:

- Update stakeholders on proposed operations
- Leverage local communication channels
- Offer additional public meetings



Customer Education (Spring-Fall 2020)

6 months before opening:

- ▶ Post educational information to web as available



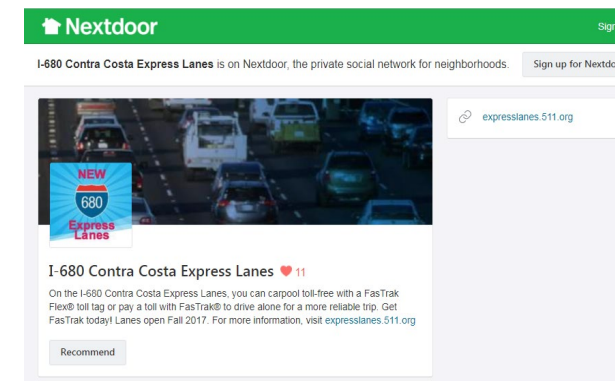
Print & Online



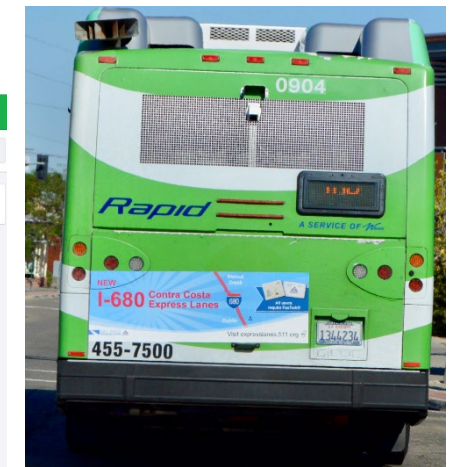
On-Corridor Banners

3 months before opening:

- ▶ I-880 Express Lanes: Explain 'rules of the road' and get FasTrak®



Social Media



Bus Tails

Examples of collateral from I-680 Express Lanes

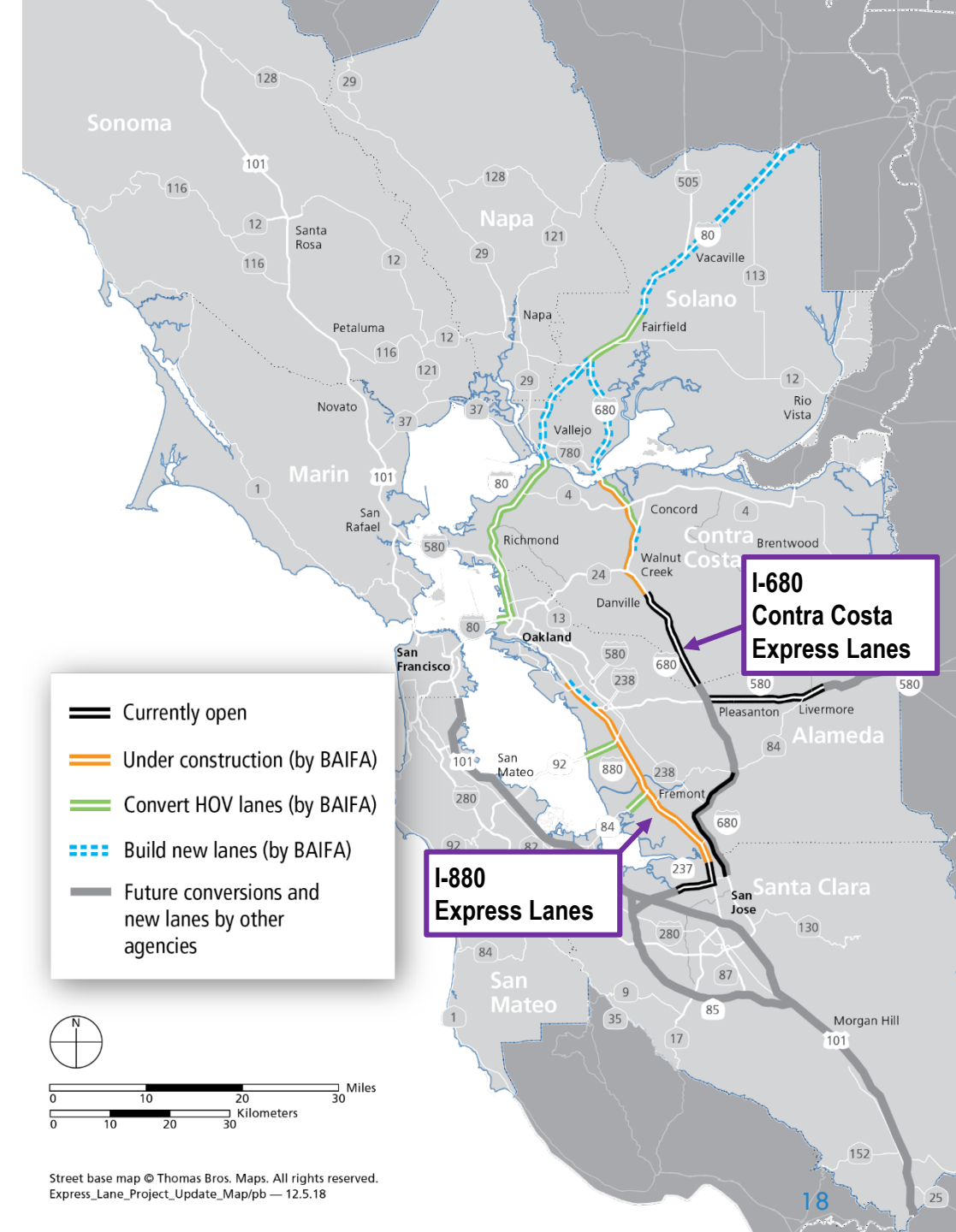
Carpool Support

- ▶ Advertising, employer outreach and community-based outreach
- ▶ “Be Three, Go Free” carpool rewards and incentive campaign
- ▶ New ridematching system and on-going carpool app partnerships
- ▶ Vanpool Subsidy Program
- ▶ Employer commute management tools and employer partnerships
- ▶ Promote commuter parking lots



BAIFA Toll Ordinance Overview

- Adopted July 2016 before I-680 opened
- Allows BAIFA to enforce toll violations
- Documents BAIFA's toll policy in context of Caltrans HOV policy, for transparency
- Proposed action: Amend before I-880 opens and for changes on I-680, for consistency



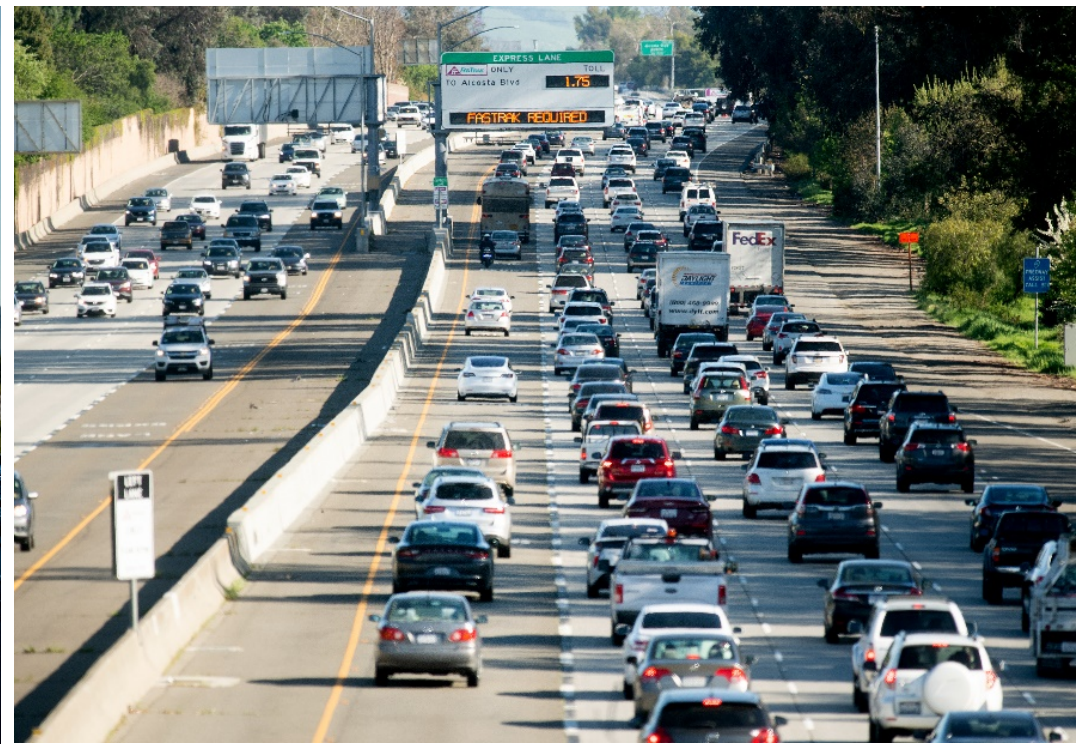
Proposed Schedule: Public Outreach & Toll Ordinance Adoption

2019			2020	
October	November	December	January	February
Information Item at BAIFA on Oct 23	Newspaper Publication no later than Nov 18 & 25	Public Hearing at BAIFA on Dec 18	Ordinance Adoption at BAIFA on Jan 22	Ordinance Effective on Feb 21
	Public comment starts Nov 18	2 Public Open Houses in I-880 Corridor: Dec 3 & 11		
		Public comment ends Dec 18		

- ▶ 3 BAIFA agenda items over 4 consecutive months
- ▶ 2 public open houses in I-880 corridor with extensive outreach to community-based organizations
- ▶ Online 'open house' from Nov. 18 to Dec. 18

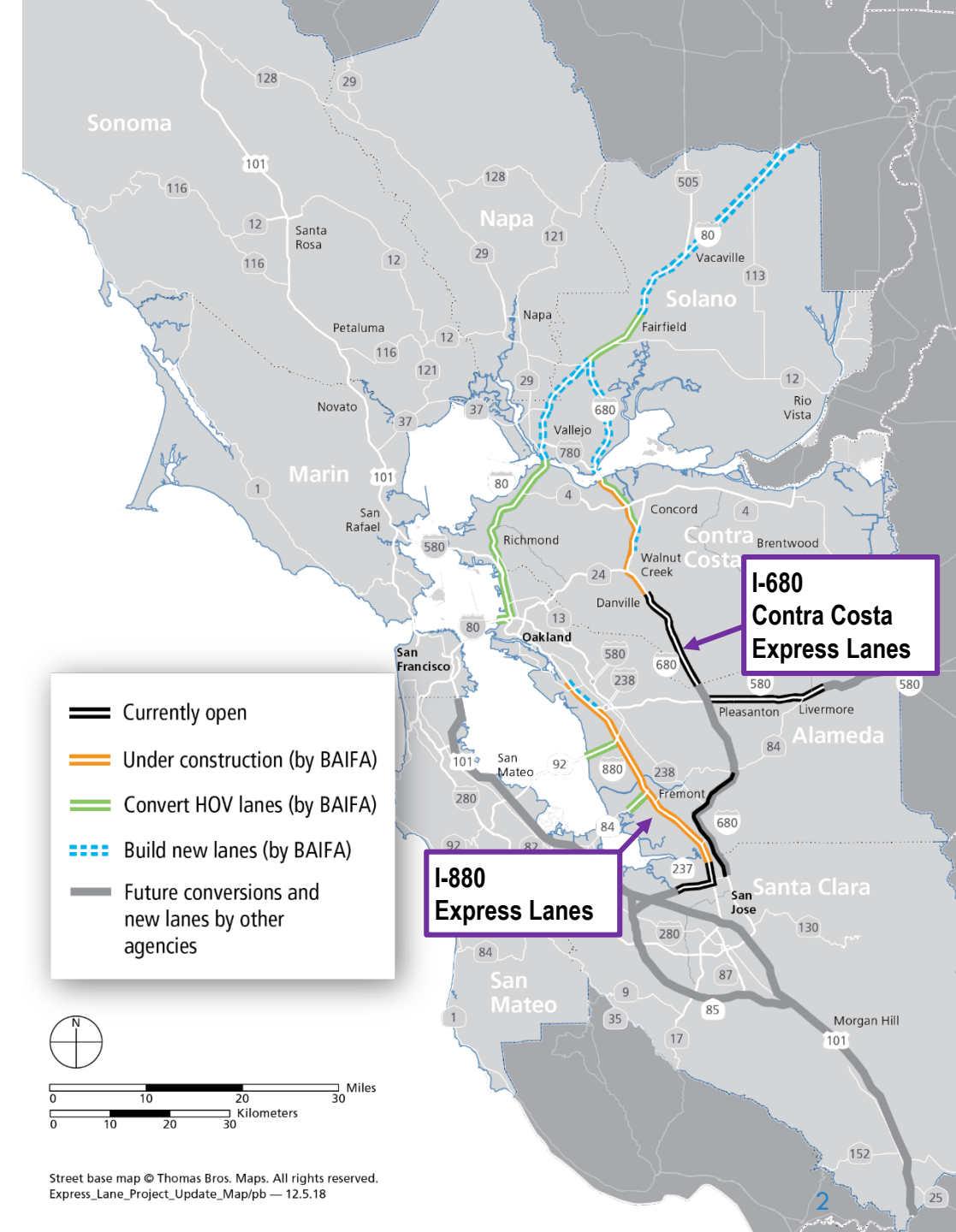
Toll Facility Ordinance Amendment: Public Hearing

Bay Area Infrastructure Financing Authority
December 18, 2019



BAIFA Toll Ordinance Overview

- Adopted July 2016 before I-680 Contra Costa opened
- Allows BAIFA to enforce toll violations
- Documents BAIFA's toll policy in context of Caltrans HOV policy, for transparency
- Proposed action: Amend before I-880 opens and for changes on I-680 Contra Costa, for consistency



Status of Adoption Process

YOU ARE HERE

2019			2020	
October	November	December	January	February
Information Item at BAIFA on Oct 23 ✓	Newspaper Publication no later than Nov 18 & 25 ✓	Public Hearing at BAIFA on Dec 18	Ordinance Adoption at BAIFA on Jan 22	Ordinance Effective on Feb 21
	Public comment starts Nov 18 ✓	2 Public Open Houses in I-880 Corridor: Dec 3 & 11 ✓		
		Public comment ends Dec 18		

Rules of the Road (Proposed for BAIFA adoption)

Proposed I-880 Tolling ‘Road Map’

Rule	880 HOV Lanes Today	880 Express Lanes When Open	Why?
Operating Hours <i>(Caltrans approved)</i>	5am to 9am 3pm to 7pm	5am to 8pm	Manage non-recurrent traffic Regional consistency
HOV Eligibility <i>(Caltrans approved)</i>	HOV 2+	HOV 3+	Meet federal speed requirements Encourage higher person throughput
★ Scaled Tolls <i>(BAIFA adoption proposed)</i>	No	\$0.50 min per zone; no max Solo drivers: full toll 2 Persons & CAVs: 50% toll HOV 3+: no toll	Meet federal speed requirements ‘Ring around the Bay’ consistency Encourage higher person throughput
★ FasTrak Required <i>(BAIFA adoption proposed)</i>	No	Yes	Enable payment & improve enforcement Regional consistency
★ Enforcement <i>(BAIFA adoption proposed)</i>	Manual (CHP)	Manual (CHP) and Automated (toll system) Auto. toll violations match BATA: \$25 1 st notice; \$70 2 nd notice	Ensure drivers follow tolling rules Regional consistency

Rules of the Road (Proposed for BAIFA adoption)

Proposed I-680 Express Lanes Tolling Changes

Rule	I-680 Express Lanes Today	I-680 Express Lanes Proposed
Operating Hours*	5 AM – 8 PM	Same
HOV Eligibility*	HOV 2+	Same
FasTrak Required	Yes	Same
★ Scaled Tolls (BAIFA adoption proposed)	Zone toll: \$0.30 min; no max Solo Driver: full toll HOV 2+: no toll CAV: no toll	Zone toll: \$0.50 min; no max Solo Driver: Same HOV 2+: Same CAV: 50% toll
Enforcement	Manual (CHP) and Automated (toll system) Auto. toll vios. match BATA: \$25 1 st notice; \$70 2 nd notice	Same

* Caltrans approved

★ Proposed for BAIFA adoption

When I-880 opens:

- ▶ Increase minimum zone toll to \$0.50
- ▶ Require CAVs to register for a new CAV FasTrak Flex toll tag and pay 50% toll

Decision factors:

- ▶ Actual tolling practice (to cover cost)
- ▶ Consistency with other express lanes

Clean Air Vehicle (CAV) Tolls

Question: Should CAVs pay more than the proposed 50% toll?

Recommendation: Proceed with proposal for CAVs to pay a 50% toll, and revisit as necessary in light of various policy and implementation factors

Rationale:

- ▶ Consistency with state-owned bridges and VTA SR-237
- ▶ Simple message
- ▶ Uncertainty in policy landscape
- ▶ Air District perspective



Equity for Low-Income Individuals

Question: How should BAIFA address equity for low-income travelers?

Recommendation: Leverage equity studies at MTC and other agencies as well as Plan Bay Area 2050 to engage low-income individuals, learn about barriers and opportunities related to express lanes and inform a regional policy regarding equity.

Rationale:

- ▶ Follow a deliberate, inclusive approach for the best outcome
- ▶ Coherent regional policy requires understanding equity in the context of toll bridges and other express lanes
- ▶ People of all incomes value the choice to use the express lanes

October BAIFA Discussion & Next Steps:

Tolling Rule Consistency

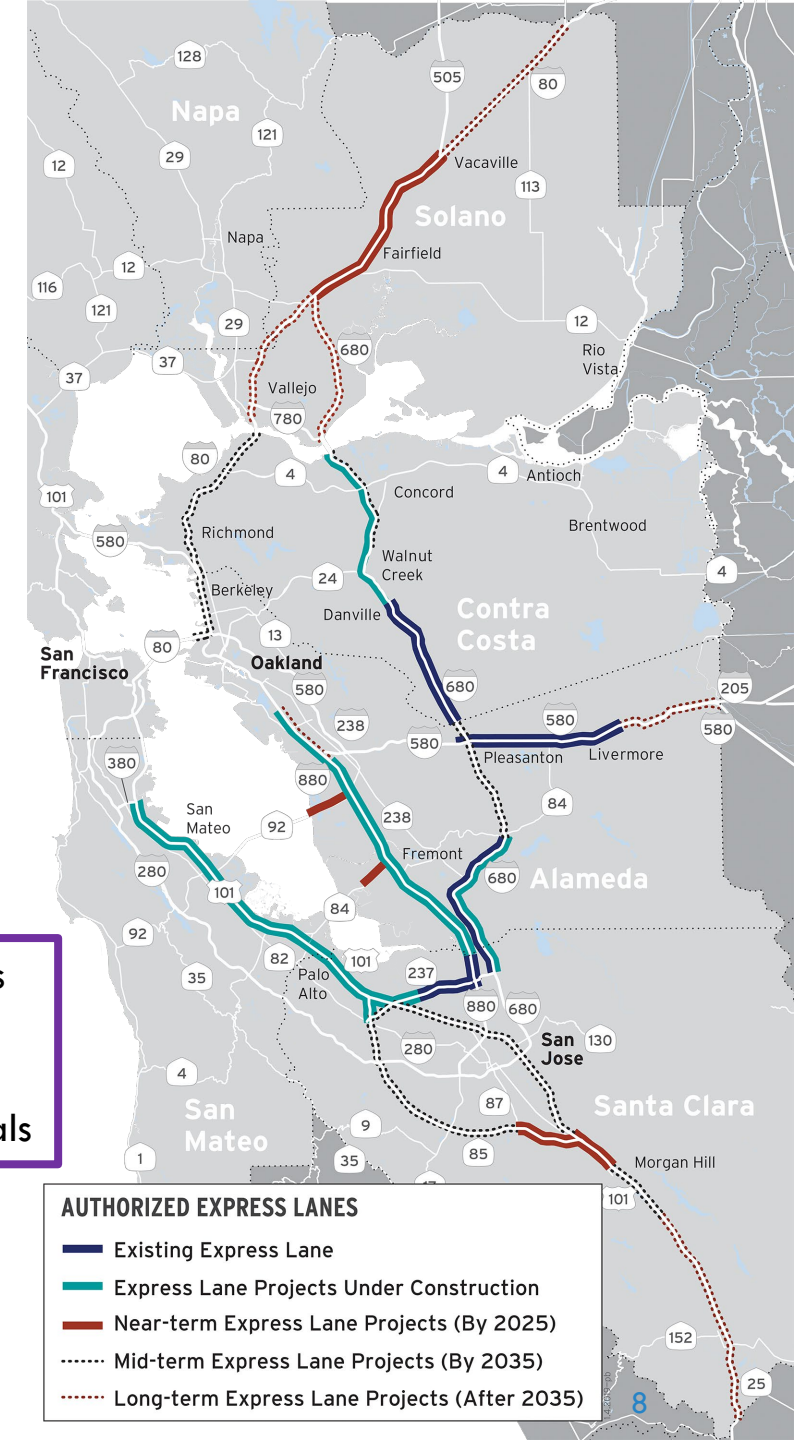
Question: How can the region achieve consistency in tolling rules?

Recommendation: Reengage partner agencies and Commissioners on a decision-making model in early 2020.

Tolling Rule	Bay Area Express Lanes*		
	Today	2020	2021
5 a.m. to 8 p.m.	4	5	7
HOV2+ no toll	4	3	3
HOV3+ no toll & 2-person toll discount	0	2	4
CAV toll discount	1	5	7
FasTrak account required; FasTrak Flex for toll discounts; Automated enforcement; Penalties: \$25 1 st notice, \$70 2 nd (waived if open account)	3	5	7

Requires
future
Board
approvals

*Four open today; five
in 2020; seven by 2021



Next Steps

2019			2020	
October	November	December	January	February
Information Item at BAIFA on Oct 23 ✓	Newspaper Publication no later than Nov 18 & 25 ✓	Public Hearing at BAIFA on Dec 18	Ordinance Adoption at BAIFA on Jan 22	Ordinance Effective on Feb 21
	Public comment starts Nov 18 ✓	2 Public Open Houses in I-880 Corridor: Dec 3 & 11 ✓		
		Public comment ends Dec 18		

- ▶ Public comment summary
- ▶ Adoption vote
- ▶ Newspaper publication
- ▶ Effective 30 days after adoption



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

ALAMEDA COUNTY

John J. Bauters
Pauline Russo Cutter
Scott Haggerty
Nate Miley

CONTRA COSTA COUNTY

John Gioia
David Hudson
Karen Mitchoff
Mark Ross

MARIN COUNTY

Katie Rice
(Chair)

NAPA COUNTY

Brad Wagenknecht

SAN FRANCISCO COUNTY

Gordon Mar
Shamann Walton
Tyrone Jue
(SF Mayor's Appointee)

SAN MATEO COUNTY

David J. Canepa
Carole Groom
Davina Hurt

SANTA CLARA COUNTY

Margaret Abe-Koga
Cindy Chavez
(Secretary)
Liz Kniss
Rod G. Sinks
(Vice Chair)

SOLANO COUNTY

James Sperring
Lori Wilson

SONOMA COUNTY

Teresa Barrett
Shirlee Zane

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Connect with the
Bay Area Air District:



December 3, 2019

Therese McMillan, Executive Director
Metropolitan Transportation Commission
Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

RE: Support of 50% tolls for Zero Emissions Vehicles as part of changes to Bay Area Infrastructure Finance Authority's (BAIFA) existing Toll Facility Ordinance

Dear Ms. McMillan,

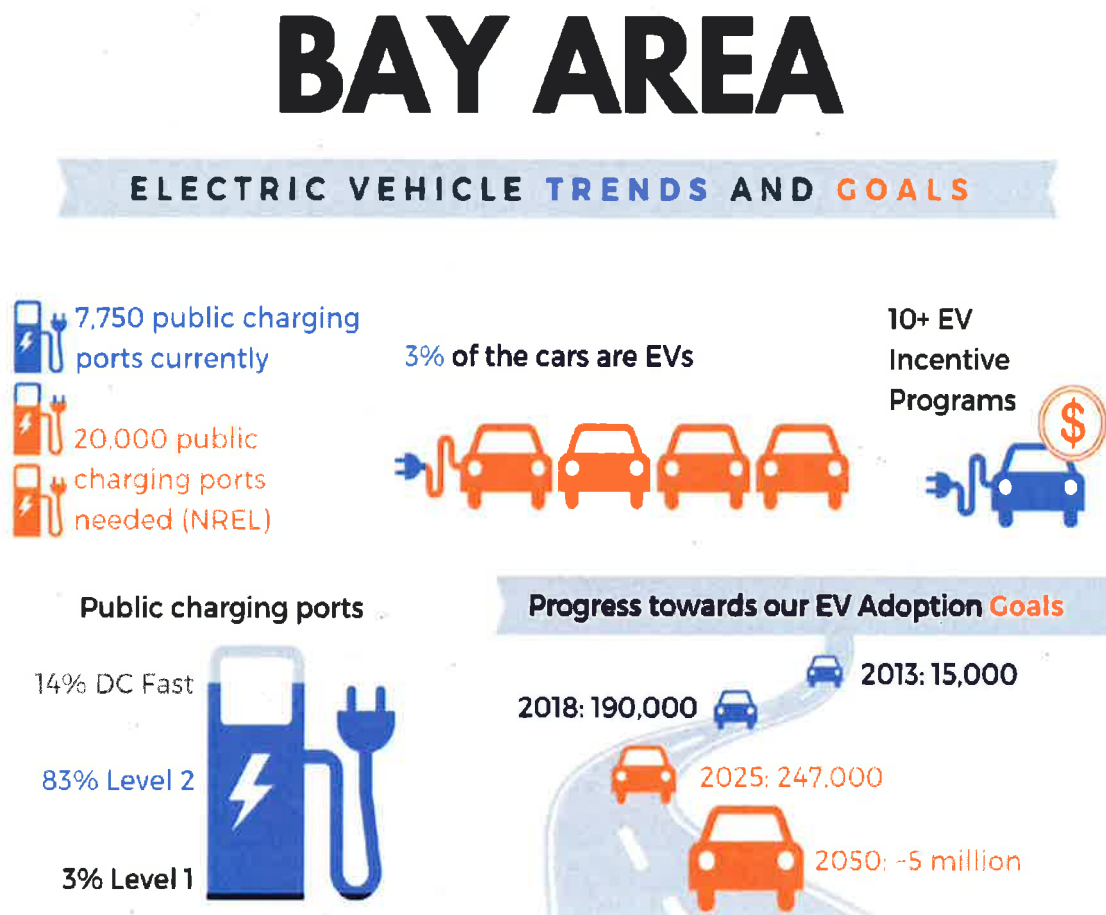
I'm writing on behalf of the Bay Area Air Quality Management District (Air District) to request BAIF support 50% toll fees for Zero Emissions Vehicles (ZEV) to access the new express lanes on Interstate 880 (I-880) as part of the changes you are making to the existing Toll Facility Ordinance. The Air District believes that such incentives are still necessary to spur ZEV adoption and that additional deployment of these vehicles is key to reducing impacts of air pollution in low income and communities of color along Bay Area Highways.

First, let me start by stating the Air District is a strong proponent of any measures that will reduce congestion – a significant contributor to increased emissions (greenhouse gases, particulate matter, criteria, and toxic air pollutants) - on the I-880 corridor. The Metropolitan Transportation Commissions (MTC's) goals for the I-880 express lane project of 1) improving high occupancy vehicle lane performance to offer better service to carpools and buses; 2) moving more people using the existing road capacity; and 3) expanding the road network available for carpools and buses; are aligned with the Air District's objectives to reduce emissions from on-road vehicles to protect local health, regional air quality and the global climate.

However, it should be noted, that studies performed as part of the Air District's Community Health Risk Reduction Program show significant inequity in health risk from the air pollution associated with on-road sources in communities of color and low-income adjacent to Bay Area highways. The Air District is targeting significant reductions of toxic air contaminants and particulate matter in those communities – especially those in the I-80 and I-880 corridors – by providing over \$200 million to on-road and mobile source ZEV and emissions reductions projects in 2019 and 2020. Additionally, both the California Air Resources Board and the Air District are working on a suite of new regulatory, planning, and legislative measures to further reduce those emissions; however, it will take time to get those efforts in place.

In the interim, the Air District believes that it will be necessary to provide additional incentives to hasten the transition of on-road vehicles to ZEV. The Air District's 2017 Clean Air Plan (CAP) shows that on-road sources of air pollution emit approximately 23% of reactive organic gases and 43% of nitrogen oxides - precursors of regional smog; 12% of particulate matter emissions - those that penetrate deepest into the lungs with the potential to cause most health impacts; 24% of toxic air contaminants; and 41% of greenhouse gases (GHG) in the Bay Area. Based on the need to reduce these emissions and the GHG emissions goals of MTC's Plan Bay Area, MTC and the Air District have adopted a joint policy to further the deployment of ZEV. This policy targets the deployment of 247,000 ZEV on Bay Area Roads by 2025 – see Figure 1.

Figure 1 – Bay Area ZEV Trends and Goals



Currently, with fewer than 200,000 ZEV's deployed on Bay Area roads, the Air District believes that it is too soon to remove HOV lane use and discount incentives. This is because on the adoption curve for new technologies, the Air District believes

December 3, 2019

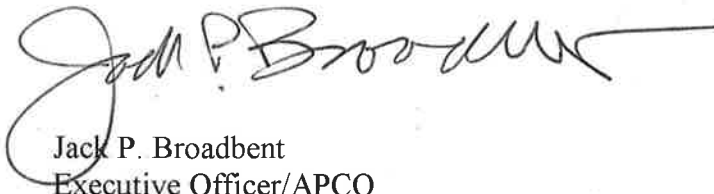
that ZEV are still in the “early adopter” phase of consumer acceptance. Studies¹ and anecdotal information from ZEV advocacy groups such as Plug in America and Veloz show that HOV lane incentives are a powerful tool in pushing ZEV vehicle sales and adoption. In fact, the footnoted study below states that ... *roughly one quarter of California PEV registrations during 2010-2013 were a result of the HOV lane policy...*

While the Air District agrees that ZEV incentives cannot last forever, they need to be reviewed with the perspective of how close we are collectively to achieving our regional health, air quality, GHG, equality and mobility goals without taking any of those metrics in isolation.

The Air District is happy to work with MTC staff to better explain the metrics in our ZEV, CAP or Community Health Risk Reduction Programs and look forward to our continued partnership in reducing the risk and emissions from our roadways.

If you have any questions or comments regarding this letter, please contact Damian Breen at (415) 749-5041 or dbreen@baaqmd.gov.

Yours sincerely,



Jack P. Broadbent
Executive Officer/APCO

¹ How does the presence of HOV lanes affect plug-in electric vehicle adoption in California? A generalized propensity score approach - Tamara L. Sheldon and J.R. DeShazo, Department of Economics, University of South Carolina and Luskin School of Public Affairs, University of California, Los Angeles - 2016