

Bay Area Infrastructure Financing Authority (BAIFA)

January 22, 2020

Agenda Item 3a

Proposed BAIFA Toll Facility Ordinance Amendment

Subject: A recommendation to adopt 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 January 2020 meeting, BAIFA will consider adopting a proposed amended and restated Toll Facility Ordinance, which now includes revisions to Section 7.5 related to toll tag requirements for clean air vehicles before and after the I-880 Express Lanes open (see Attachment A.1 and Attachment A.2). 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 relative to 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® or FasTrak® CAV 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.

In December, BAIFA held a Public Hearing on the last day of the 30-day public comment period (see Attachment C). Throughout, the proposed amended and restated Toll Facility Ordinance was posted on MTC's website at <https://mtc.ca.gov/whats-happening/events/public-hearings> and www.mtc.ca.gov/express-lanes (under 'Policies'), and was available at MTC's offices in 'The Hub' on the 1st floor of the Bay Area Metro Center and on file with the Secretary of BAIFA. In addition to the Public Hearing, public outreach to encourage public comment included the following features:

- A Notice of Public Hearing was published in newspapers and through an MTC press release.
- Postcards about opportunities for public comment were sent to stakeholders, including local cities and community-based organizations, to share with their constituents.
- The opportunity to provide public comment was promoted on social media (Facebook and Nextdoor) using a short 30-second clip about the new rules with a link to a simple survey to submit comments.
- In-person open houses were held in Union City (December 3) and San Lorenzo (December 11) to allow the public the opportunity to talk with staff about the new rules and reasons behind them.

In addition, as part of stakeholder outreach from spring to fall 2019, staff met with: local city staff and elected officials, as recommended by city staff; county staff and transportation authorities; and other local transportation committees.

Issues:

BAIFA must decide whether to adopt the proposed tolling rules as recommended or with amendments. During the public hearing, BAIFA received approximately 630 comments from the public on the proposed tolling rules. Attachment E summarizes public comments by frequently mentioned themes and provides staff responses. Comments are grouped into three categories: 1) tolling rules subject to BAIFA approval, 2) HOV policy subject to Caltrans approval, and 3) other comments unrelated to the toll ordinance. In general, public comment was opposed to proposed changes. There is support for the continuation of existing policies for HOV eligibility, CAVs and operating hours. Also, the public expressed concerns about equity and affordability of express lanes. Staff will present a summary of public comments at the January BAIFA meeting. A record of every comment submitted is posted on MTC's website at www.mtc.ca.gov/express-lanes (under 'Policies').

Stakeholder comment was more balanced. Stakeholders agreed that the existing I-880 HOV lanes are not performing well, and that conversion to express lanes is an opportunity to improve performance. Stakeholders expressed various opinions, including support in some cases, for tolling clean air vehicles (CAVs) on I-880 and I-680. The Bay Area Air Quality Management District submitted a letter in support of the proposed approach to CAV tolling (See Attachment F). Stakeholders had mixed feelings about HOV3+ eligibility on I-880; there is a recognition that it makes sense given traffic congestion, but concerns about equity given the challenge of forming a 3-person carpool or having to pay to use the express lanes.

Staff appreciates all feedback received from the outreach process. While concerns are legitimate, staff believes that the recommended changes are necessary to make the I-880 Express Lanes work better than today's HOV lanes. Further, staff will take measures to support carpool formation, monitor the lane performance (including CAV tolling), and further explore approaches to address equity and to achieve consistent policies on Bay Area express lanes. In addition, staff will undertake a thorough effort to inform the public of the new rules to minimize confusion in advance of opening the I-880 express lanes later this year.

Recommendation: Staff recommends that the Authority approve the proposed amended and restated Toll Facility Ordinance.

Attachments: Attachment A.1: Proposed BAIFA Amended and Restated Toll Facility Ordinance Revised
Attachment A.2: Proposed BAIFA Amended and Restated Toll Facility Ordinance Revised in Track Changes
Attachment B: October 23, 2019 BAIFA Presentation
Attachment C: December 18, 2019 BAIFA Presentation
Attachment D: January 22, 2019 BAIFA Presentation
Attachment E: Public Comment Summary
Attachment F: Other Correspondence Received

A handwritten signature in black ink, appearing to read "Therese W. McMillan", written over a horizontal line.

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. Prior to the opening of BAIFA's I-880 Oakland to Milpitas toll facilities to paying traffic, clean air vehicles must: (i) use a properly-mounted FasTrak Flex® toll tag to accurately indicate clean air vehicle status (by switching the tag to the '2' or '3+' setting), (ii) use a properly mounted FasTrak® CAV toll tag accurately declaring the number of occupants in the vehicle (by switching the tag to the '1', '2' or '3+' setting), or (iii) follow such other methods for indicating eligibility for the discount as shall be specified by BAIFA online at the BAIFA toll facility website. Upon the opening of BAIFA's I-880 Oakland to Milpitas toll facilities to paying traffic, clean air vehicles on all BAIFA toll facilities must (i) use a properly mounted FasTrak® CAV toll tag accurately declaring the number of occupants in the vehicle (by switching the tag to the '1', '2' or '3+' setting), or (ii) follow such other methods for indicating eligibility for the discount as shall be specified by BAIFA online at the BAIFA toll facility website.

Section 8. Enforcement and Penalties.

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

with the provisions of this ordinance) and are hereby adopted and incorporated by reference into this ordinance as though fully set forth herein.

8.2 It shall be a Violation to:

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

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

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).

**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. Prior to the opening of BAIFA's I-880 Oakland to Milpitas toll facilities to paying traffic, clean air vehicles must: (i) use a properly-mounted FasTrak Flex® toll tag to accurately indicate clean air vehicle status (by switching the tag to the '2' or '3+' setting), (ii) use a properly mounted FasTrak® CAV toll tag accurately declaring the number of occupants in the vehicle (by switching the tag to the '1', '2' or '3+' setting), or (iii) follow such other methods for indicating eligibility for the discount as shall be specified by BAIFA online at the BAIFA toll facility website. Upon the opening of BAIFA's I-880 Oakland to Milpitas toll facilities to paying traffic, clean air vehicles on all BAIFA toll facilities must (i) use a properly mounted FasTrak® CAV toll tag accurately declaring the number of occupants in the vehicle (by switching the tag to the '1', '2' or '3+' setting), or (ii) follow such other methods for indicating eligibility for the discount as shall be specified by BAIFA online at the BAIFA toll facility website.

Section 8. Enforcement and Penalties.

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

with the provisions of this ordinance) and are hereby adopted and incorporated by reference into this ordinance as though fully set forth herein.

8.2 It shall be a Violation to:

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

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

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).

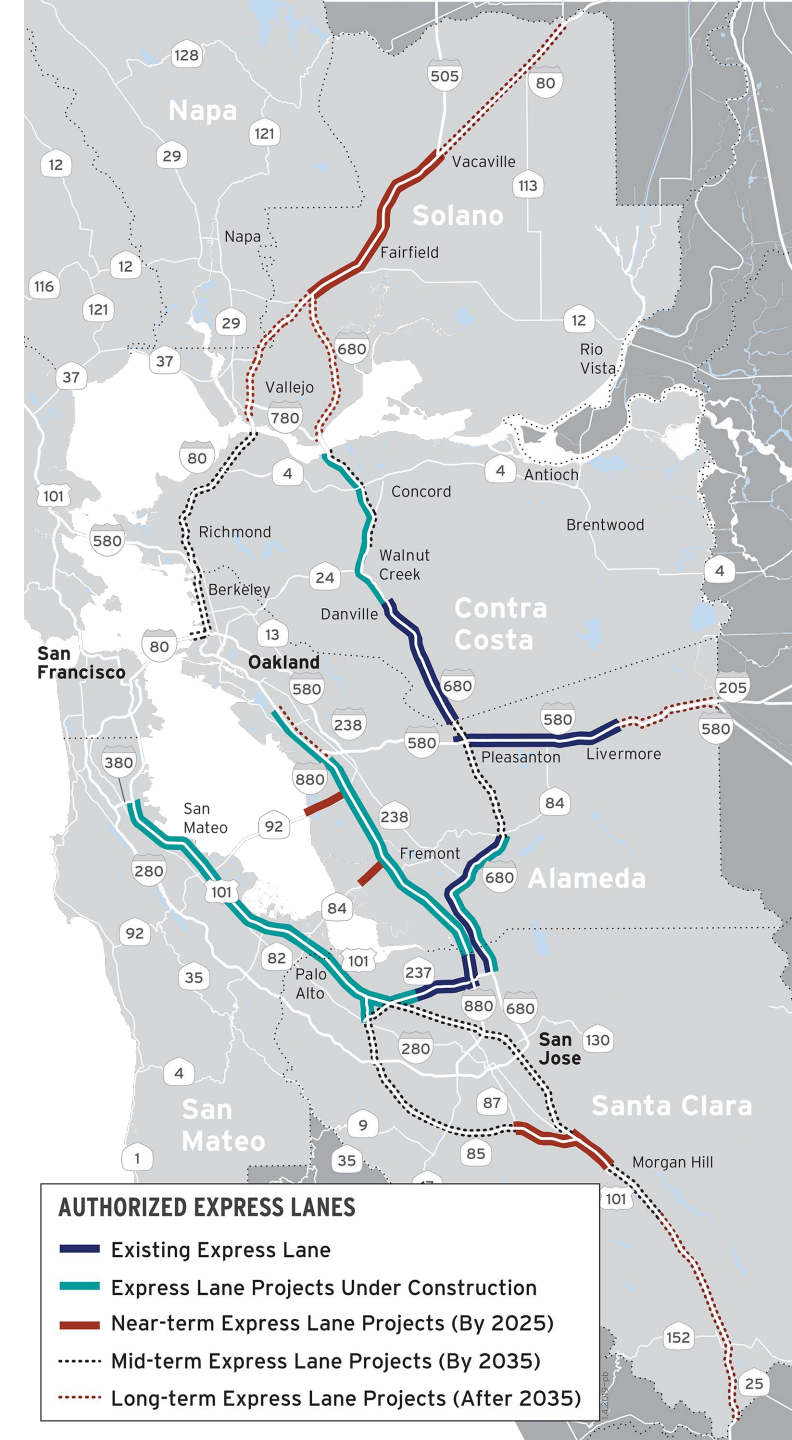
Toll Facility Ordinance Amendment: I-880 Express Lanes

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

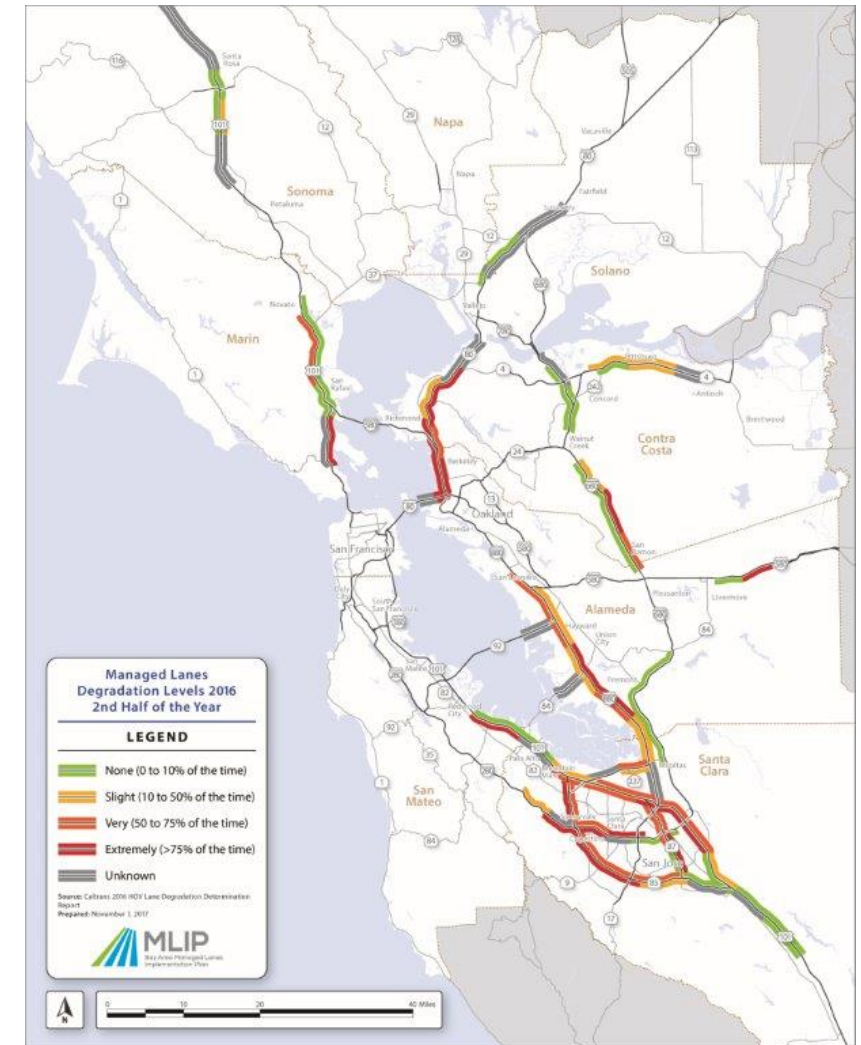


HOV Lanes are Stressed

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





Factors:

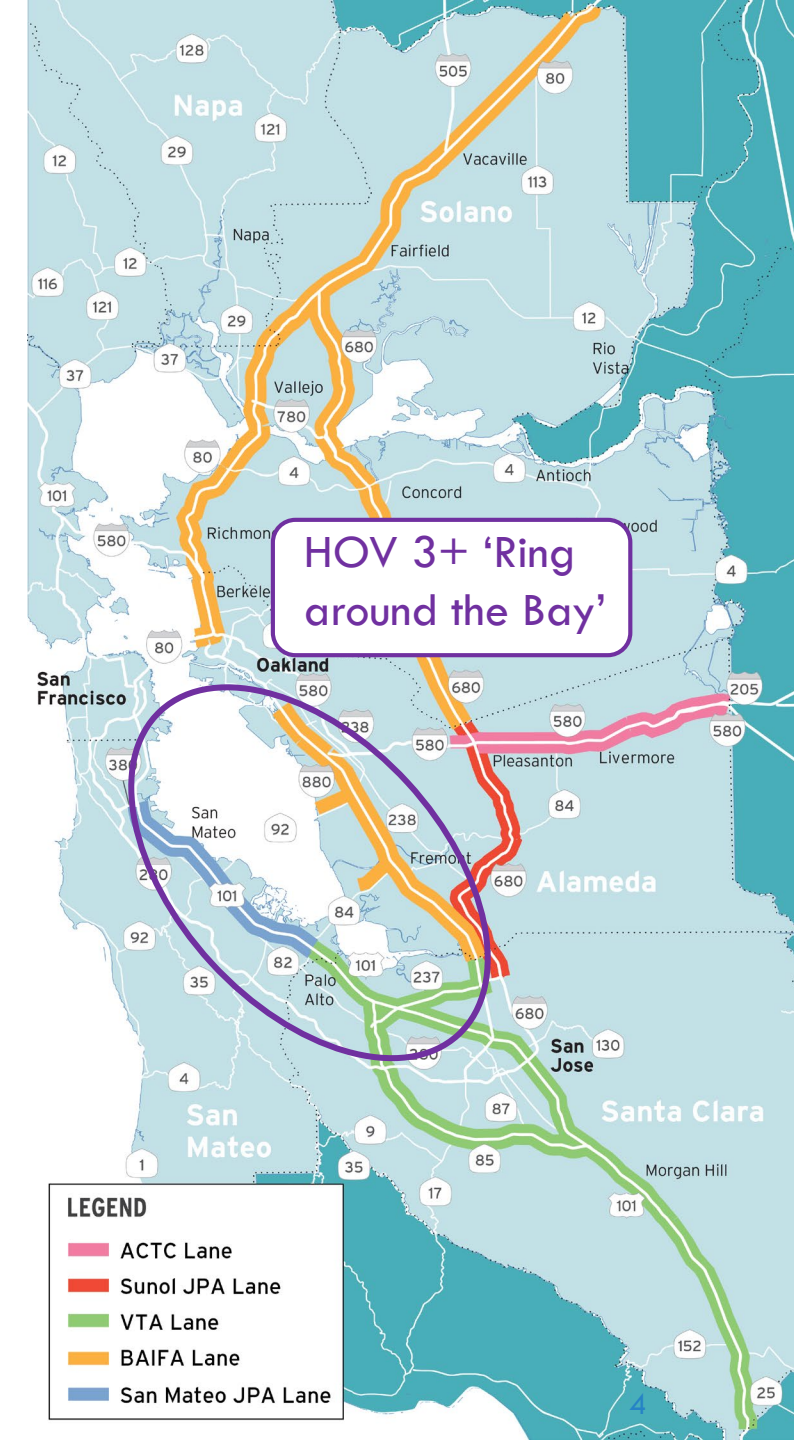
- More traffic, including carpools
- Limited enforcement options leads to HOV violators: 24% average (AM Peak)
- Clean air vehicle (CAV) growth continues: About 90,000 decals issued in Bay Area in 2019
- Hours of operation and HOV eligibility do not always align with traffic



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	



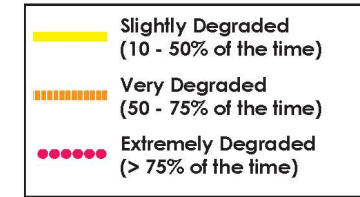
I-880 HOV Lanes Today

- 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

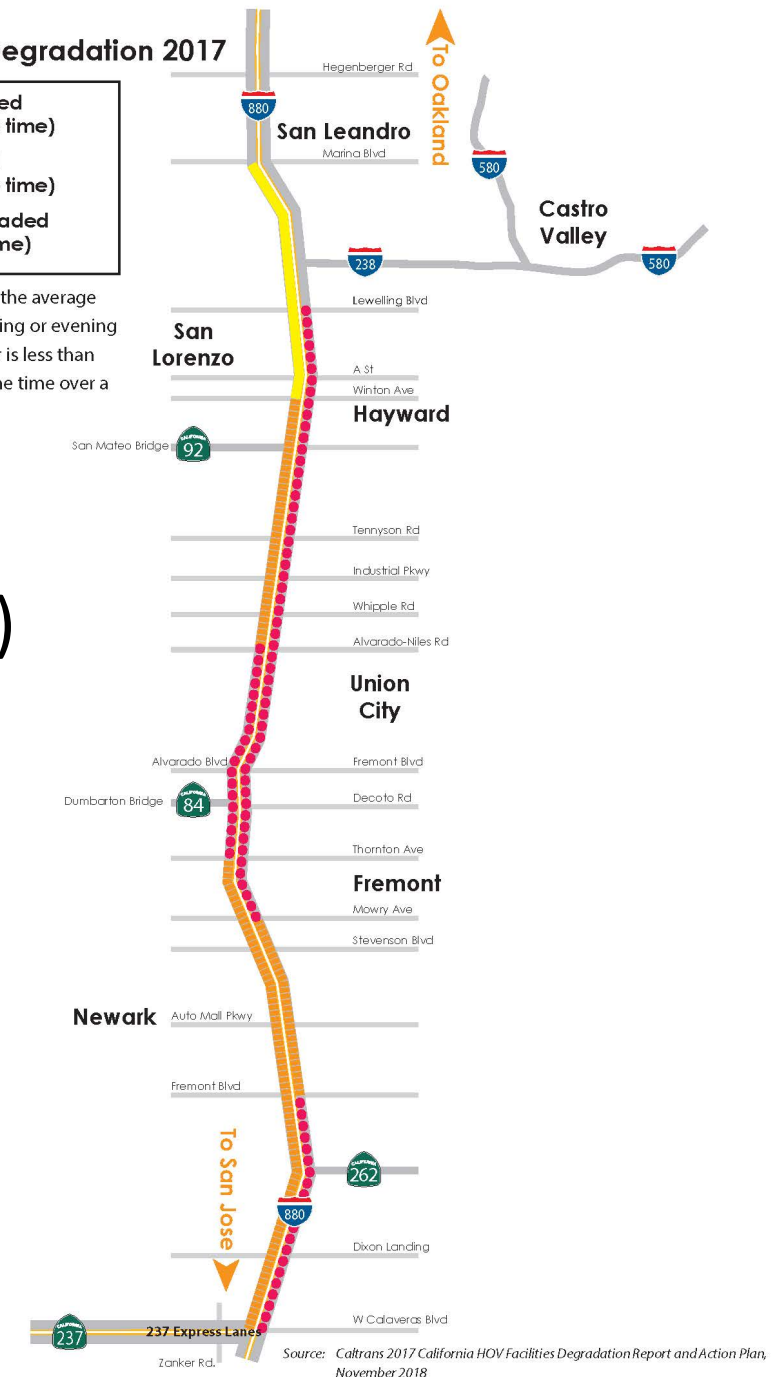
Unreliable, but opportunity for improvement

**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.



Source: Caltrans 2017 California HOV Facilities Degradation Report and Action Plan, November 2018

I-880 Express Lanes: Project Status

Conversion of HOV lanes to tolled express lanes

Civil construction
largely complete
(Summer 2019)

Customer
Education
(Spring 2020)

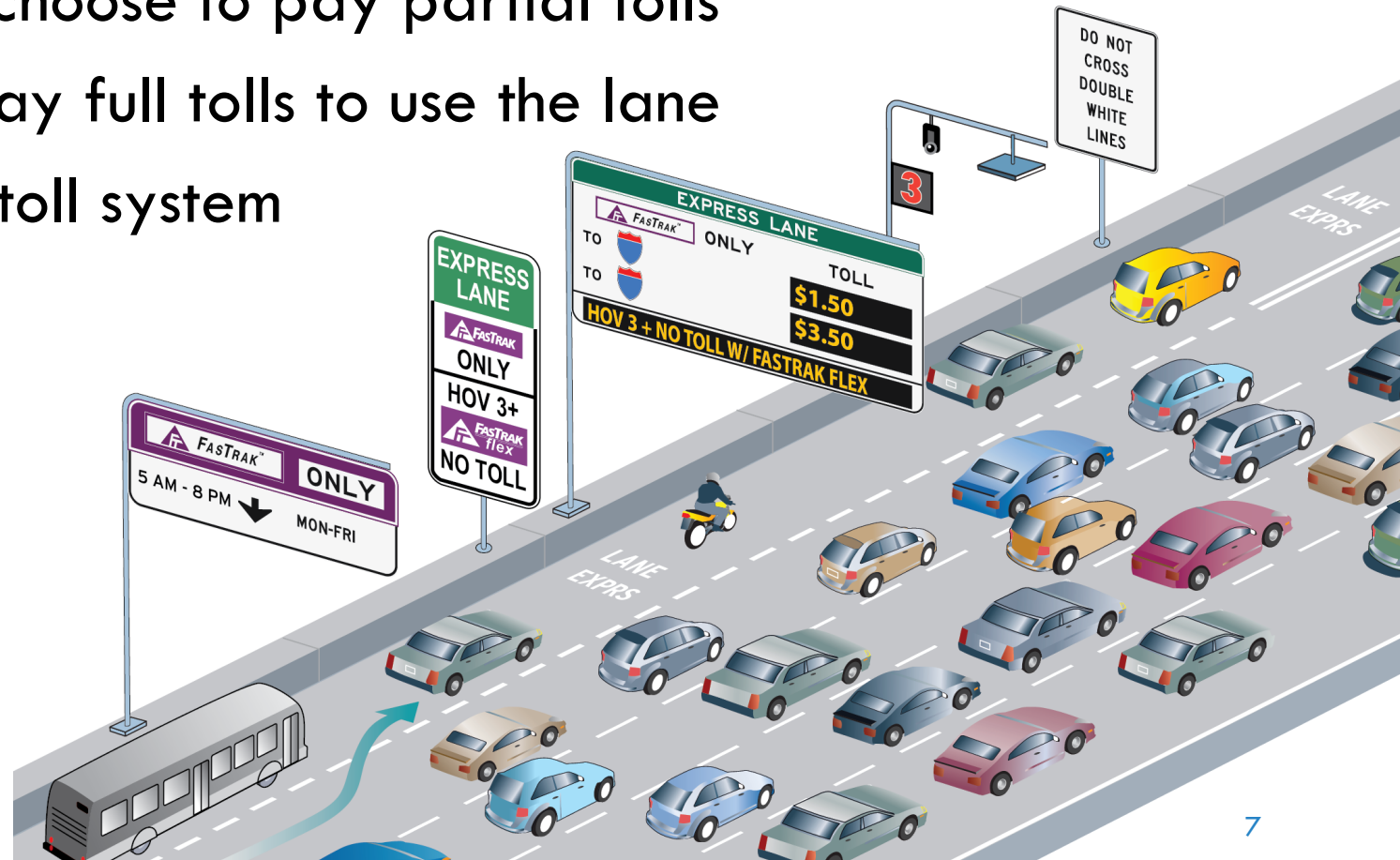
Toll system
installation &
testing; lane
striping
complete
(Spring 2020)

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:

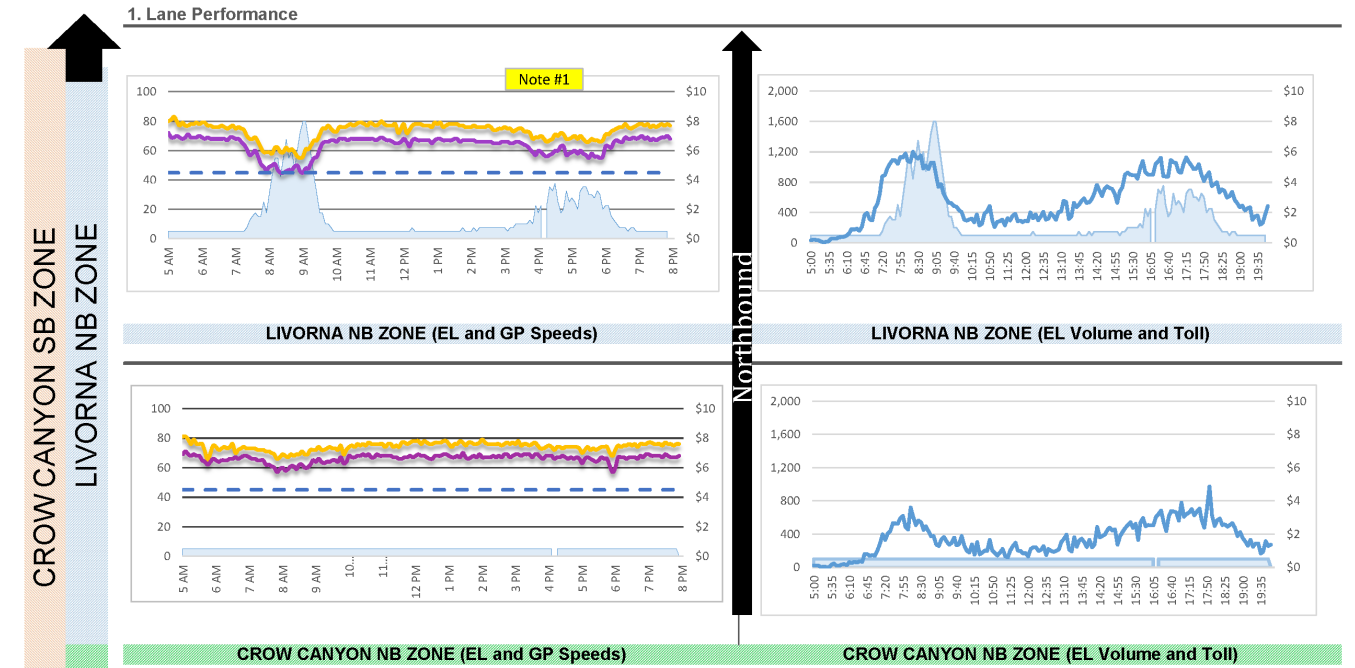
- Actual tolling practice (to cover cost)
- Consistency with other express lanes

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?

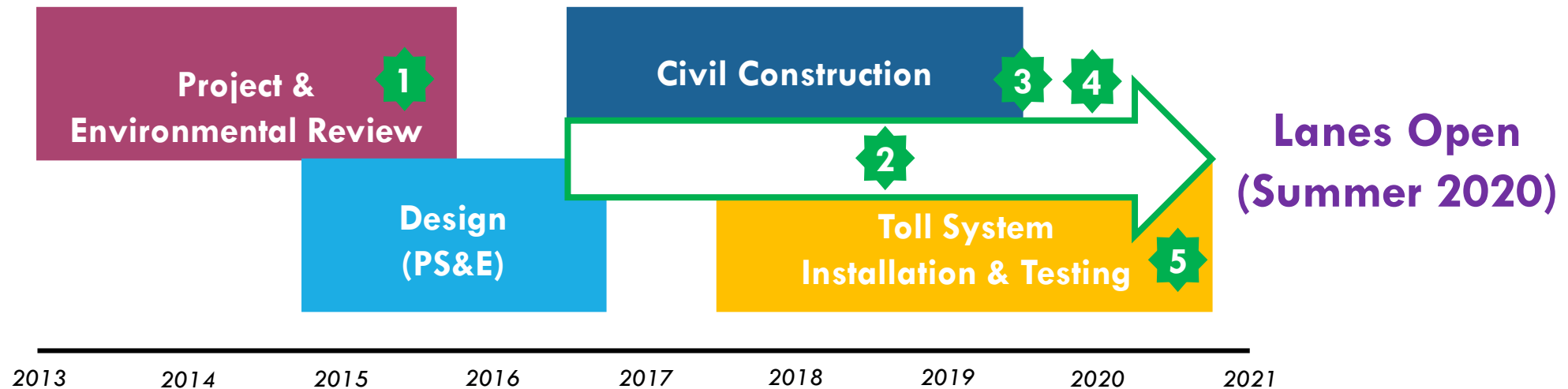
- Public learning curve
 - Tolling 'rules of the road'
 - Where to get in and out of the lanes given partial access restrictions
- Daily traffic monitoring and analysis
- Adjustments as needed after reasonable 'break-in' period



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

I-880 Express Lanes Outreach Overview

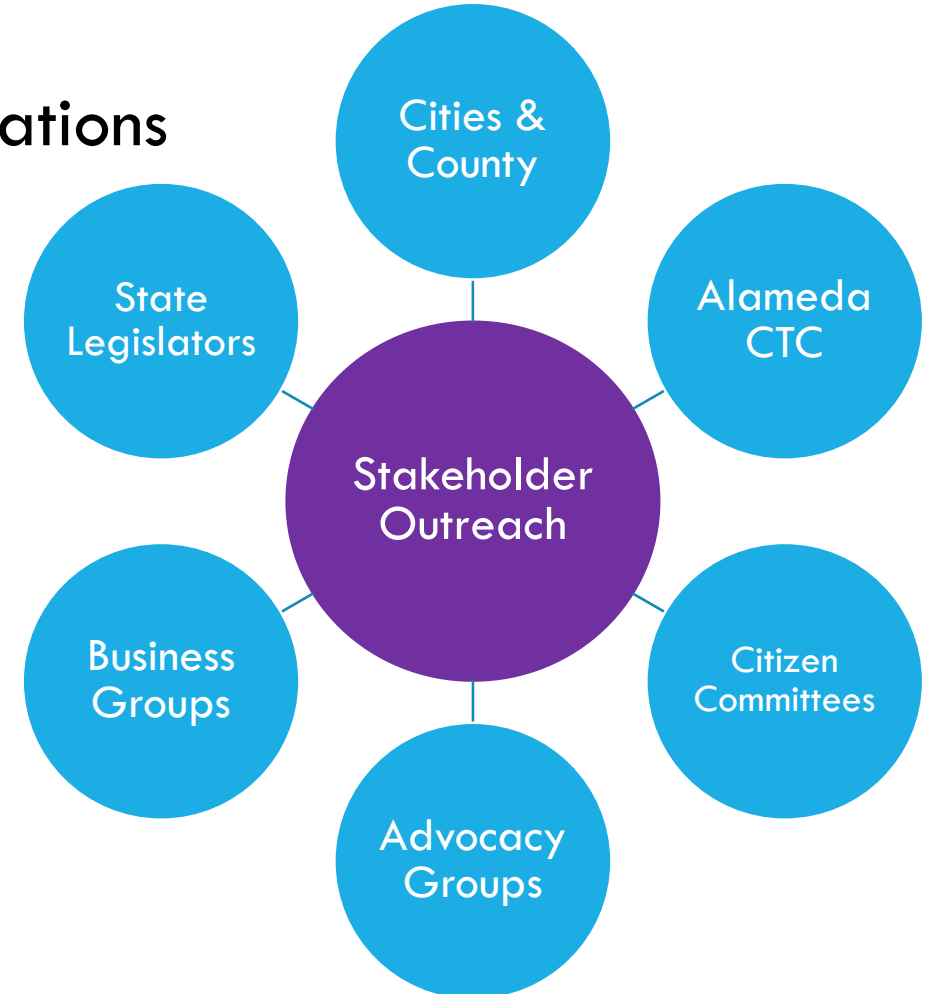
- 1** Stakeholder & Public Outreach (2015)
- 2** On-going Project Updates (2016 – 2020)
- 3** Stakeholder Outreach (Spring-Fall 2019)
- 4** Public Notice & Toll Ordinance (Fall-Winter 2019/20)
- 5** Customer Education Campaign (Spring-Summer 2020)



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



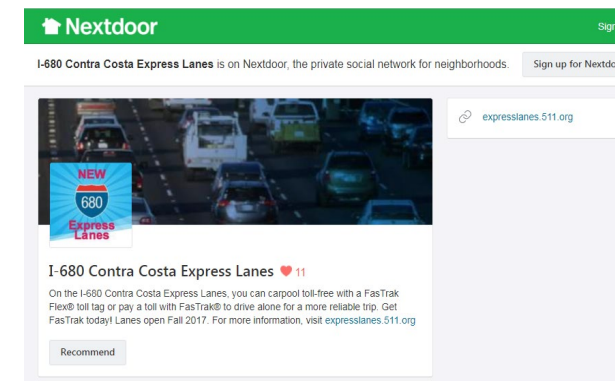
Print & Online



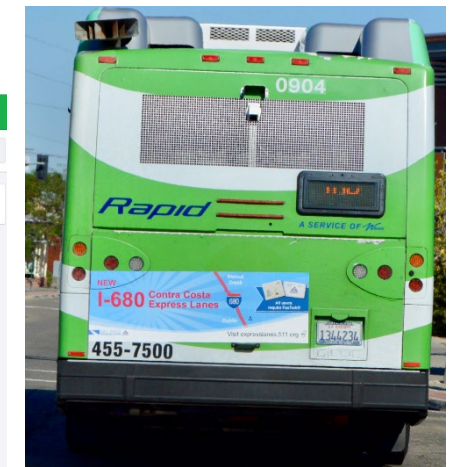
On-Corridor Banners

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

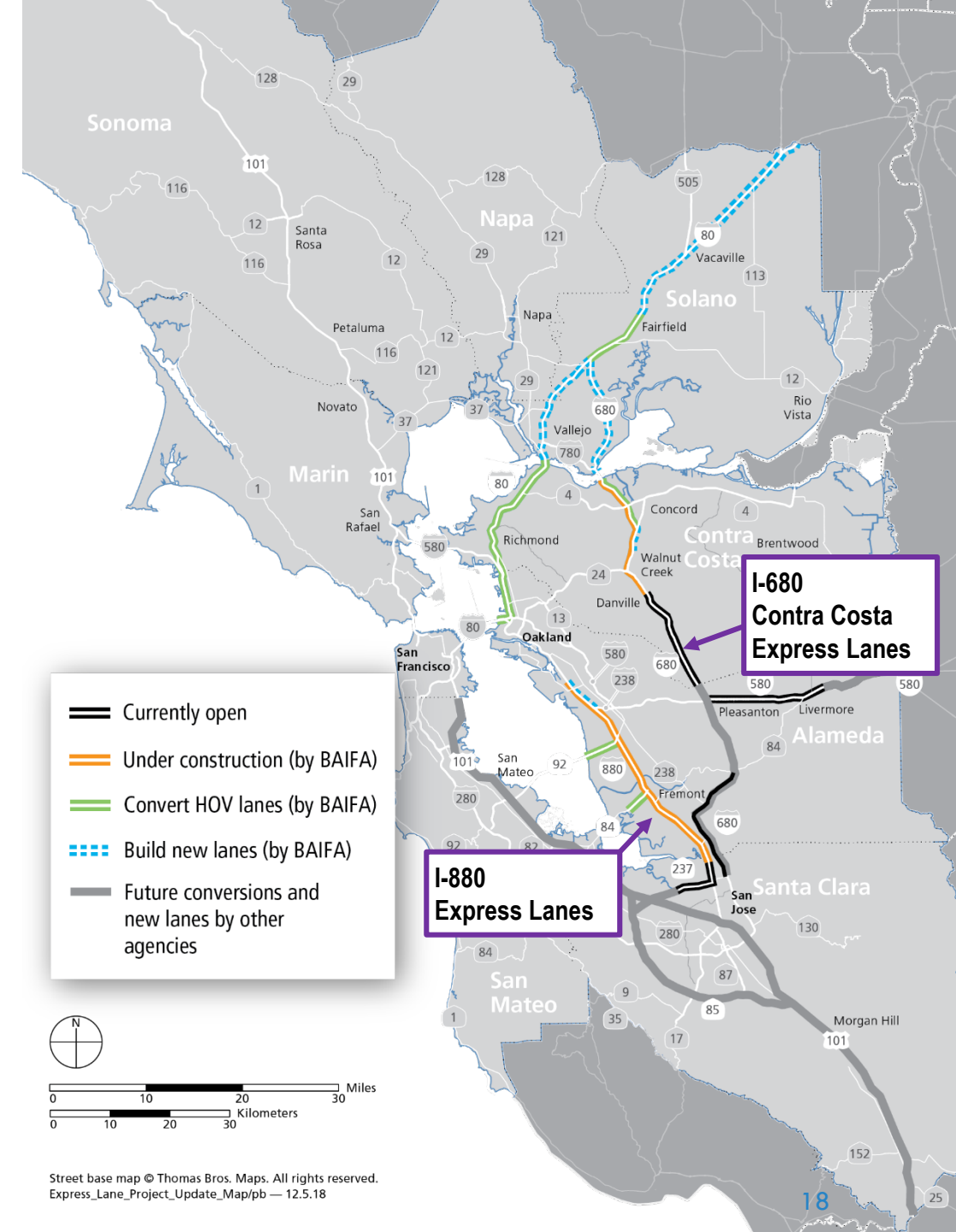
Carpool Support

- ▶ 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



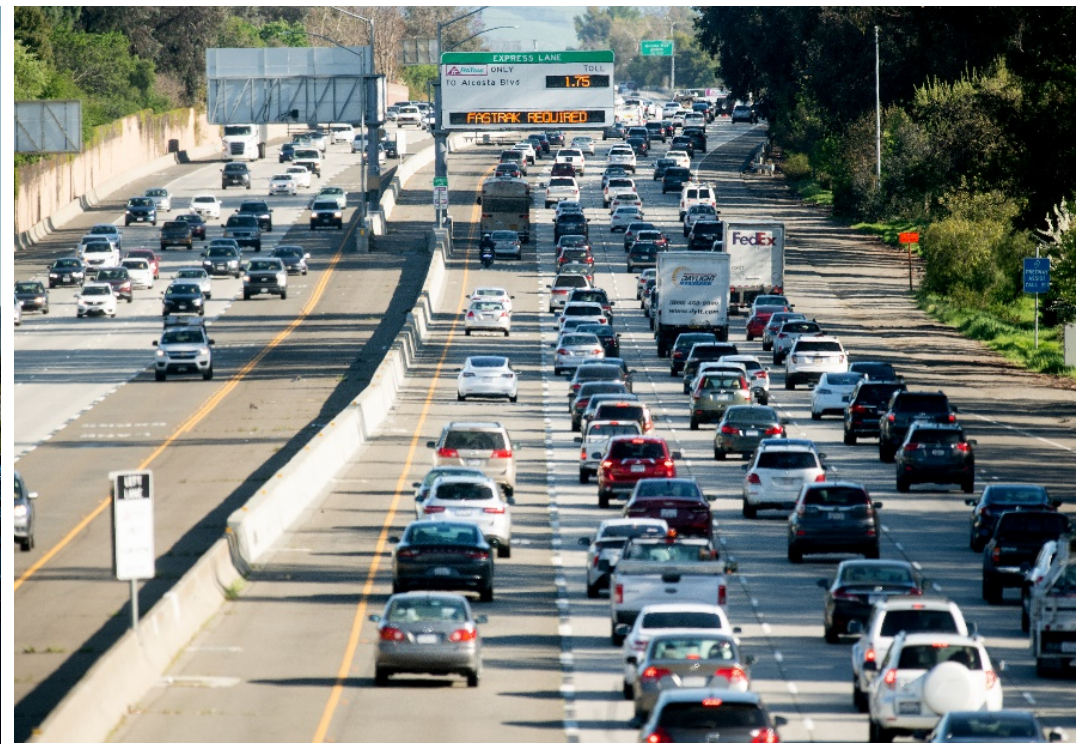
Proposed Schedule: Public Outreach & Toll Ordinance Adoption

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

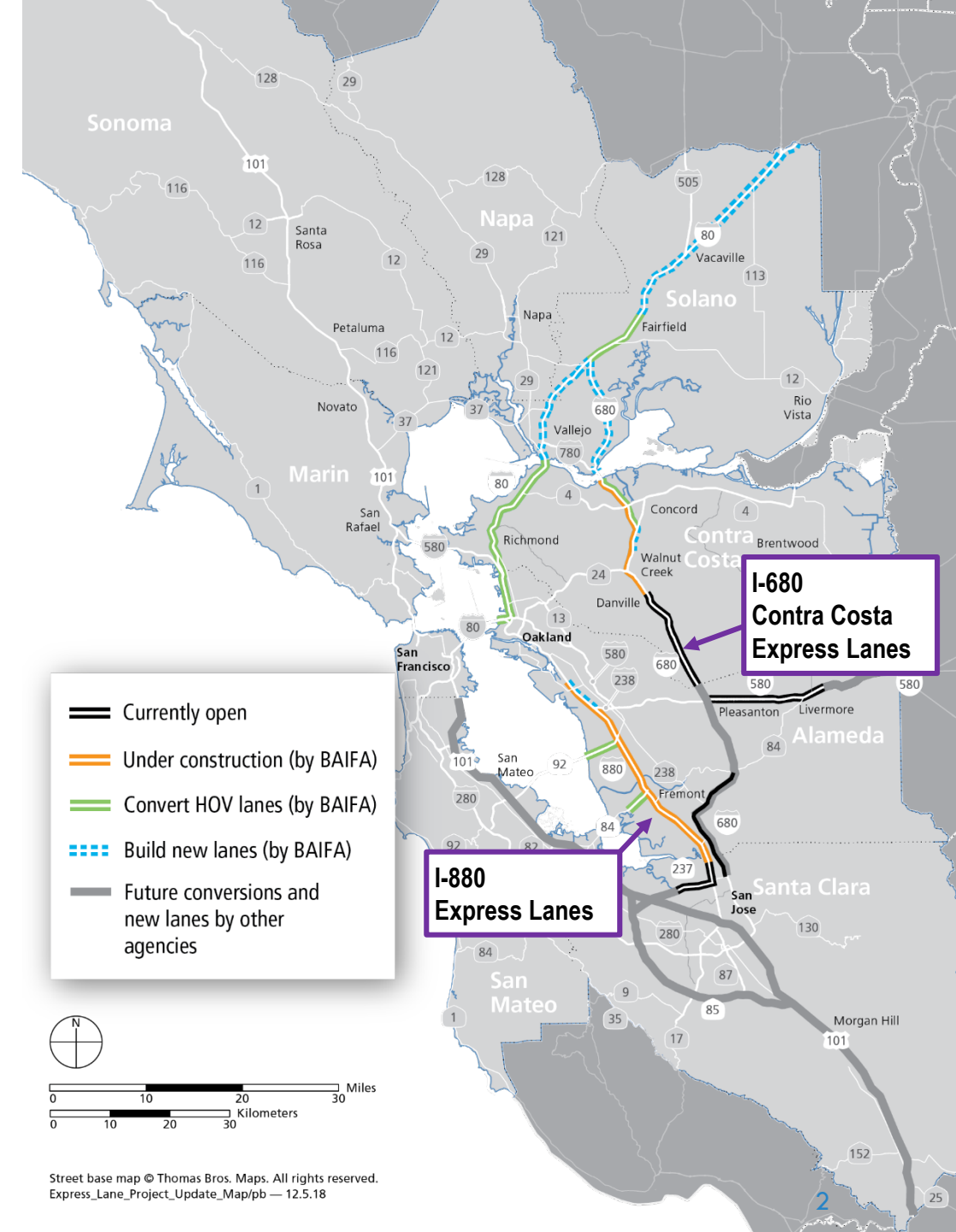
Toll Facility Ordinance Amendment: Public Hearing

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

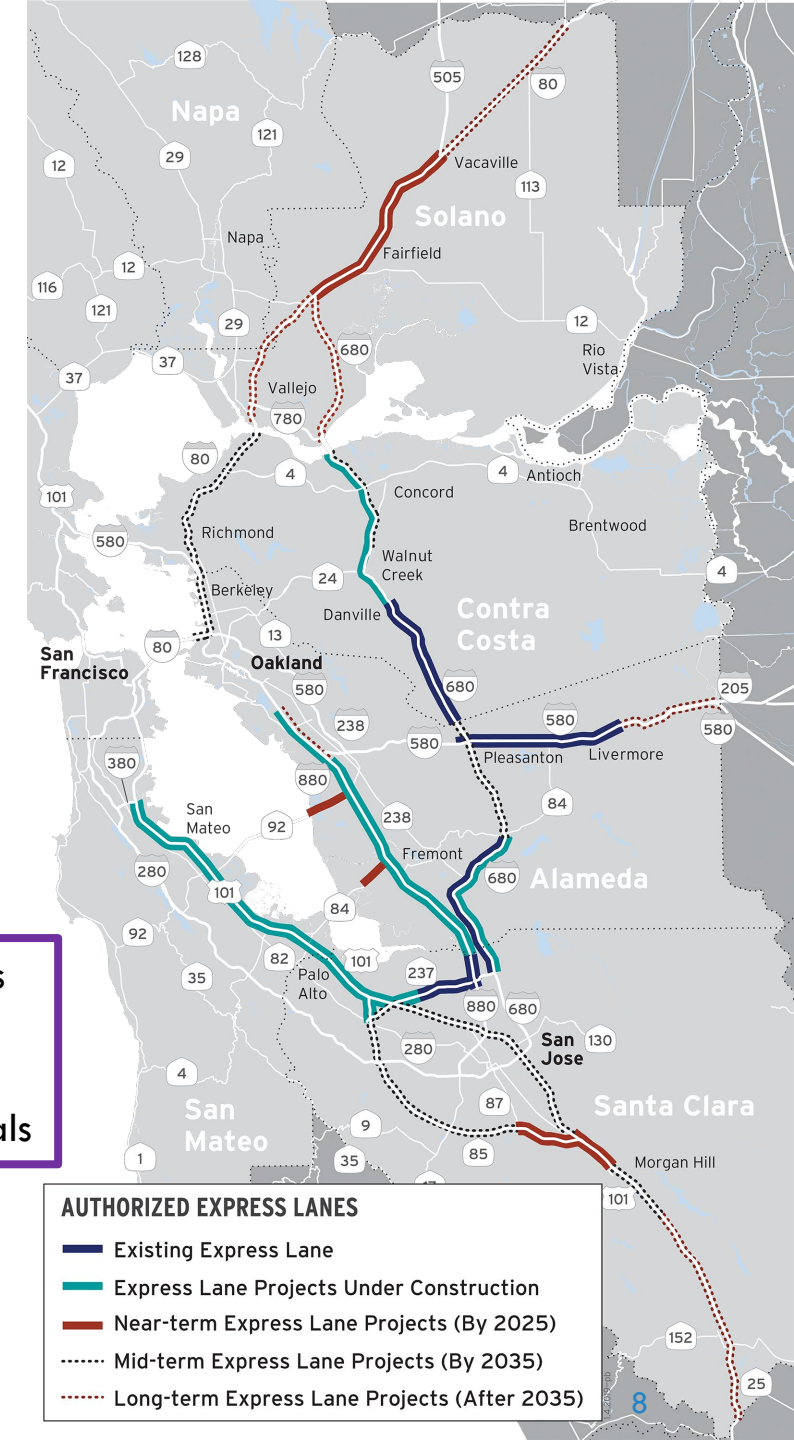
Question: How can the region achieve consistency in tolling rules?

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



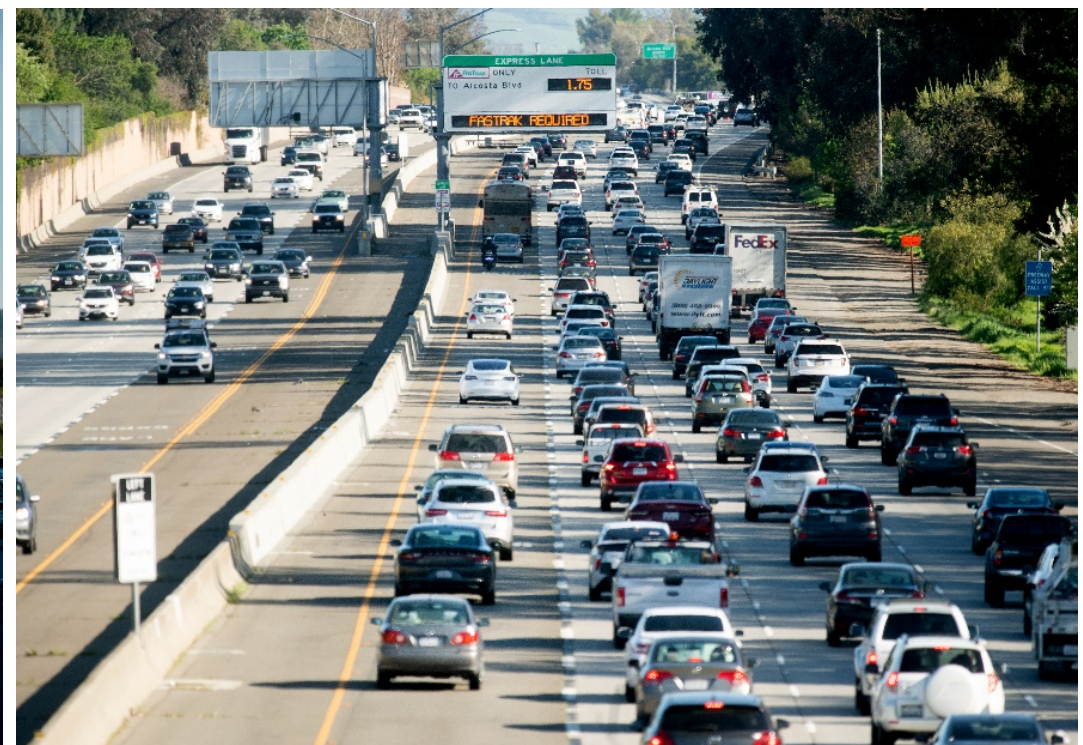
Next Steps

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

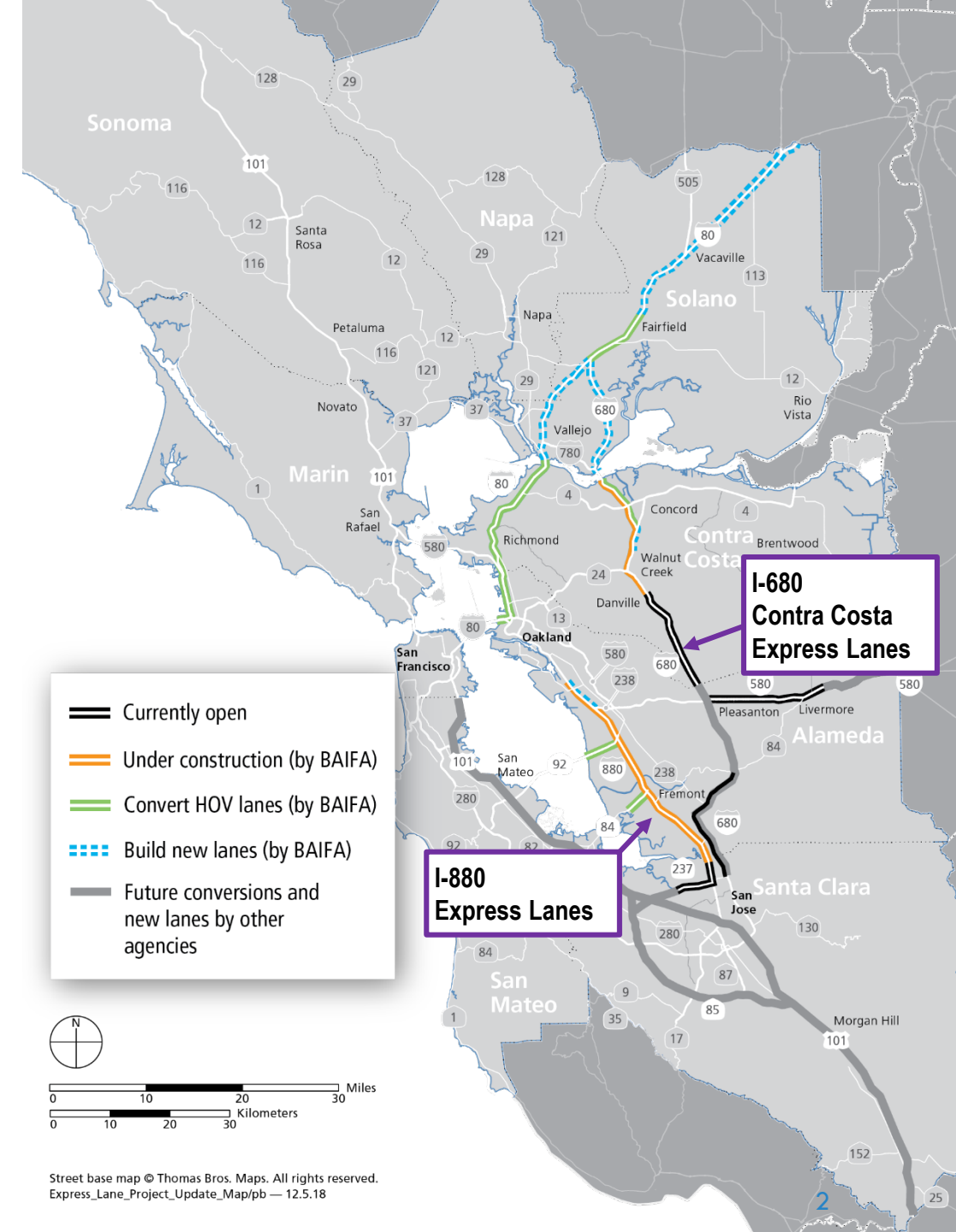
Toll Facility Ordinance Amendment: Public Comment Summary

Bay Area Infrastructure Financing Authority
January 22, 2020



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 ✓		

- ▶ Plus outreach to stakeholders and partners starting spring 2019: city and county staff, elected officials, transportation commissions

Rules of the Road (Proposed for BAIFA adoption)

Proposed I-880 Tolling ‘Road Map’

Rule	I-880 HOV Lanes Today	I-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

Public Outreach

- ▶ Notices in 5 major county newspapers, and in Spanish and Chinese
- ▶ Social media (Nextdoor & Facebook)
- ▶ Open houses in Union City, San Lorenzo and on-line
- ▶ BAIFA Public hearing on December 18, 2019
- ▶ Over 630 comments received via email, in-person or letter! Read each comment at: www.mtc.ca.gov/express-lanes (under 'Policies')



Example: 511 Facebook Post

What We Heard

- ▶ Change is hard!
- ▶ Public comments expressed preference for existing policies for HOV occupancy and CAVs and hours of operation.
- ▶ Stakeholders and partners expressed more mixed opinions, with many recognizing reasons for proposed hours of operation and scaled tolls for 2-person vehicles on I-880 and for CAVs.
- ▶ Equity and affordability are top of mind.
- ▶ Better enforcement is needed.
- ▶ Some members of the public remain skeptical about express lanes (and HOV lanes) in general.

Scaled Tolls: 2-Person Carpools

Comment Theme: 2-person carpools should be toll-free.

Response:

- ▶ This proposal applies to I-880 only. Some members of public incorrectly thought the proposal applies to I-680.
- ▶ Too many cars are in I-880 HOV lanes today, most of which are 2-person carpools.
- ▶ If 2-person carpools are toll-free, I-880 performance will not improve.
- ▶ 50% toll supports 2-person carpools; 3+ person carpools rewarded with no toll.
- ▶ Vehicles manufactured for only 2 persons with 2 persons pay no toll.

Scaled Tolls: Clean Air Vehicles (CAVs)

Comment Theme: CAVs should be toll-free.

Response:

- ▶ Historically, Commission has sought to modify or oppose legislative initiatives to expand access to HOV lanes by CAVs for operations and equity reasons. The goal has been to ensure their presence does not erode HOV lane time savings incentive.
- ▶ State law encourages CAV ownership with incentives like HOV lane access and tax breaks, but does not adequately enforce HOV lane performance standards.
- ▶ Need tolls to influence CAV driver behavior to improve lane performance.
 - ▶ CAVs are 10% to 40% of vehicles in HOV and express lanes; 80% drive alone.
 - ▶ 50% toll balances mobility/reliability goals with environmental benefits.
- ▶ BAIFA will monitor CAV usage and recommend toll policy change in future, as appropriate, in coordination with other Bay Area operators.

Scaled Tolls: Other

Comment Theme: There should be a maximum toll, no minimum toll and no mid-day tolls. Tolling rules are confusing and should be consistent in the Bay Area.

Response:

- ▶ BAIFA's I-680 toll policy works (no max toll; a min toll; mid-day tolls).
 - ▶ Max toll: Set to keep lane moving; so far, top toll is \$10 for 11-12 miles
 - ▶ Min toll: Set to recover costs and maintain readiness
 - ▶ Mid-day tolls: Usually min toll; no significant impact on I-680 traffic
- ▶ Most express lane tolling rules will be consistent when I-880 opens, except for 2-person vehicles.
- ▶ BAIFA will conduct extensive public outreach on tolling rules, which represent significant changes for I-880.

Equity

Comment Theme: Express lanes benefit people of means; others contend with longer commutes, impractical carpools and job opportunity loss. Equity must be addressed.

Response:

- ▶ Leverage near-term equity initiatives to learn from low-income people about the impacts/opportunities of tolling, and inform a regional equity policy.
 - ▶ Follow a deliberate, inclusive approach for the best outcome.
 - ▶ Understand equity in the context of toll bridges and other express lanes.
- ▶ Report back to BAIFA with findings and policy recommendations.

Other Topics: Enforcement and FasTrak®

Comment Theme: Enforcement should be improved. FasTrak should be optional.

Response:

- ▶ Express lanes allow potential cheaters the option to pay to use the lanes.
- ▶ While not perfect, today's enforcement in express lanes is better than HOV lanes.
- ▶ FasTrak works with express lanes to enable automated toll enforcement and share HOV/CAV eligibility (for reduced/no toll status and better police enforcement).
- ▶ MTC will work with CHP to target cheaters and pursue pilots of roadside camera-based and smartphone app-based systems to verify vehicle occupancy.

HOV Eligibility & Operating Hours

Comment Themes:

HOV eligibility should be 2+ persons; forming a 3-person carpool is too hard.

Operating hours should be during the morning and evening commute only; mid-day hours are a take-away, and cause traffic earlier and in the other lanes.

Response:

- ▶ HOV Eligibility: I-880 HOV lanes perform poorly; there are too many 2-person carpools. The solution is to raise HOV eligibility, charge 2-person carpools and CAVs a 50% toll, and improve enforcement.
- ▶ Operating Hours: On I-680, mid-day hours have not caused significant traffic. On I-880, the HOV lane is already congested for a good portion of the day. Consistent express lane hours limits public confusion.
- ▶ Staff will support carpool formation and evaluate before/after conditions.

Other Comments Unrelated to Toll Ordinance

- Many people commented, especially on Taxes and Performance.

Comment Theme	Staff Response
Taxes: The public already paid to build/maintain the road, and should not pay again to drive on it; this is a money grab.	Express lanes offer a new technology and tolling-based service. Solo drivers can not use HOV lanes during HOV hours. No one is required to use express lanes.
Performance: Express lanes create traffic congestion in the other lanes and on local roads, and make HOV lanes perform worse.	Express lanes perform better than HOV lanes, especially during peak traffic, by using tolls to avoid over-crowding and meet speed requirements. Vehicles that choose not to get in are spread out across other lanes with little impact. The surging economy and navigation apps cause traffic.
Access: The I-880 HOV lanes are slow mostly due to merging at major interchanges; access is the issue to fix.	Access restrictions (two solid white lines illegal to cross) will be added on stretches of the I-880 Express Lanes.
Other: The most significant topics were investing in public transit, building new roads, and prioritizing revenue.	Express lanes support public transit. Some new lanes will be built, but the focus is cost-effective conversions. Operations and maintenance is a priority for revenue.

Recommendation: Approve Proposed Ordinance

- ▶ While change is hard and will require adjustment, the proposed policies will improve performance.
- ▶ Staff will take measures to support carpool formation and monitor performance, including CAV tolling.
- ▶ Initial exploration of equity approaches is underway, in coordination with low-income individuals and partners.
- ▶ Staff plans extensive outreach to minimize confusion when the I-880 lanes open.
- ▶ Discussions are forthcoming on approaches to achieve consistent policies.



Next Steps

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 ✓		

- ▶ Adoption vote
- ▶ Newspaper publication
- ▶ Effective 30 days after adoption

Attachment E: Public Comment Summary – Proposed BAIFA Toll Facility Ordinance Amendment

Note: The purpose of this summary is to acknowledge and respond to frequently made public comments, with a focus on areas of concern. Comments are grouped into three categories: 1) tolling rules subject to BAIFA approval, 2) HOV policy subject to Caltrans approval, and 3) other comments unrelated to the toll ordinance. A complete list of the 635 individual comments received between November 18, 2019 and December 18, 2019 is posted at www.mtc.ca.gov/express-lanes (under ‘Policies’).

1. Comments on Tolling Rules Subject to BAIFA Approval

Comment Theme <i>(generally ordered from most to least comments)</i>	Staff Response
<p>Theme: Scaled Tolls: 2-Person Carpools <i>[some public comments reflect an incorrect understanding that BAIFA plans a 50% toll for 2-person carpools on I-680]</i></p> <p>Two-person carpools should be toll-free, and not have to pay a 50% toll as proposed. There are already too few carpools, and paying a 50% toll discourages people who are trying to ‘do the right thing’.</p> <p>2-person carpools are being tolled to raise revenue, which is unfair.</p> <p>2-seater vehicles with two people inside should be toll-free.</p>	<p>BAIFA and Caltrans are not proposing changes to HOV eligibility in the I-680 Contra Costa Express Lanes; two-person carpools would remain toll-free on 680. However, the I-880 Express Lanes would have HOV3+ eligibility, where 2-person carpools would pay a 50% toll and 3 or more person carpools will pay no toll.</p> <p>The proposal for 2-person carpools to pay a 50% toll on 880 is one of several tolling rules designed to use price to manage the number of vehicles in the express lanes, incentivize more people per car, and improve lane performance for a more reliable trip. There are too many cars in the 880 HOV lanes today, and the majority are 2-person carpools. If 2-person carpools were toll-free, 880 performance would not change much. Scaled tolls incentivize more people per car by offering free travel for 3 or more person carpools and buses, while still encouraging 2-person carpools with 50% tolls. Express lanes goals are greater mobility and reliability, not revenue.</p> <p>Vehicles designed by the manufacturer for 2 persons and having 2 persons inside (including the driver) would be toll-free; the driver must set their FasTrak Flex® toll tag in the ‘3+’ position.</p>

Comment Theme <i>(generally ordered from most to least comments)</i>	Staff Response
<p>Theme: Scaled Tolls: Clean Air Vehicles (CAVs)</p> <p>CAVs should be toll-free, and not have to pay a 50% toll as proposed.</p> <p>People have paid more for their CAVs than the typical car costs in part to access HOV lanes and avoid tolls, which are major incentives, but also to ‘do the right thing’.</p> <p>The State promised that people who bought CAVs would be able to use HOV lanes, and a change in policy to toll CAVs in express lanes feels like a bait-and-switch.</p> <p>If the policy is going to change, it should not change until after the public is notified and purple decals expire.</p> <p>Some suggested that CAVs with two persons inside should be toll-free, not pay a 50% toll.</p> <p>It is important to encourage CAVs for environmental reasons.</p>	<p>The proposal for CAVs to pay a 50% toll is one of several tolling rules designed to use price to manage the number of vehicles in the express lanes, incentivize more people per car, and improve lane performance for a more reliable trip. While eligible CAVs are about 3% of registered vehicles in the Bay Area, CAVs disproportionately range from about 10% to 40% of all vehicles in HOV and express lanes, and more than 80% of CAVs are solo drivers. The 50% toll balances express lanes mobility and reliability goals with CAV environmental benefits. All Bay Area express lanes are moving toward 50% tolls for CAVs.</p> <p>State law says that eligible CAVs must be allowed use of HOV lanes regardless of vehicle occupancy (CVC 21655.9) and that CAVs may be granted reduced-rate passage in express lanes (CVC 5205.5). Further, CAV access may be suspended if lane performance is poor or access would increase congestion, and it is infeasible to alleviate congestion by other means – which is arguably the case for the 880 HOV lanes today. Instead of eliminating CAV access, BAIFA aims to manage it with scaled tolls.</p>
<p>Theme: Scaled Tolls: Other</p> <p>Aside from tolling 2-person carpools and CAVs, key concerns are that tolls will be too high, and will make traffic in the other lanes worse.</p> <p>Ideally, express lanes would be for carpools and CAVs only.</p> <p>If there must be tolls, there should not be a minimum toll.</p> <p>There should be a maximum toll to avoid price-gouging.</p>	<p>While it would be nice for only carpools and CAVs to be allowed to use express lanes, under-performing HOV lanes show that the status quo will not work. The Bay Area needs to introduce technology to monitor and enforce the lanes better, and tolls to help manage demand and pay for operations and maintenance.</p> <p>The minimum toll of \$0.50 per toll zone is set to recover costs and maintain a state of readiness. The highest tolls in existing express lanes, which have no maximum tolls locked in policy, are very modest. The highest posted toll on BAIFA’s I-680 lanes has been \$10.00 to travel the full lane (11 to 12 miles). I-880 will be 25 miles long in the southbound direction, and tolls to travel the whole</p>

Comment Theme <i>(generally ordered from most to least comments)</i>	Staff Response
<p>[Continued] Theme: Scaled Tolls: Other</p> <p>Many spoke out against tolls in the middle of the day in favor of no tolls at that time.</p> <p>Some felt scaled tolls do not make sense, and that the express lanes would be empty.</p> <p>Tolling rules seem complicated and confusing; they should be consistent across express lanes in the Bay Area.</p> <p>Toll revenue must be used for road maintenance.</p>	<p>length may be higher than on I-680; however most travelers will travel only a portion of the corridor. Staff monitors tolls to ensure they are appropriate based on traffic congestion.</p> <p>I-880 is congested a good portion of the day. If the Bay Area is serious about increasing people in carpools and buses, it is important to have a reliable alternative to the other lanes. Staff monitors lane performance and reports results quarterly; express lanes regularly perform better than the other lanes (www.mtc.ca.gov/express-lanes under 'related documents'). Staff has not seen significant changes in mid-day traffic on I-680, where traffic flows well from 9am-2pm northbound and 10am-4pm southbound. Tolls remain low when there is little traffic.</p> <p>New rules are hard to get used to, but most rules will be consistent across all express lanes when 880 opens. The exception is 50% tolls for 2-person carpools on HOV3+ express lanes. This is necessary on 880 because there are too many 2-person carpools. The goal is to support 2-person carpools by only charging a 50% toll and really reward 3 or more person carpools with no tolls. Placing a dollar value on the express lane should encourage carpools and buses. Staff will field a public outreach campaign about the 880 express lanes rules before opening.</p> <p>Toll revenue is used to operate and maintain the express lanes, including the toll system, customer service, police enforcement, lighting and pavement. Surplus revenue, if any, must remain in the facility in which it was collected and could be used to expand the network or cover other costs approved by BAIFA.</p>

Comment Theme <i>(generally ordered from most to least comments)</i>	Staff Response
<p>Theme: Equity</p> <p>There are concerns that express lanes are an elitist and privileged approach to managing public highways that benefit only people of means. There was a lot of discussion about the sky-high cost of living in the Bay Area and a sense of frustration.</p> <p>Key fears are that low-income people cannot afford tolls, resulting in longer commutes in the other lanes or the need to carpool, which is often impractical. Also, tolls will make it harder for low-income and working class people to compete for higher-paying jobs. Similar concerns were shared for fixed-income (retired) people.</p> <p>Equity should be addressed through transit, a means-based fare, and/or something else.</p>	<p>Staff recognizes that equity is a legitimate concern with express lanes and is committed to exploring how to address it in a regional context that includes other Bay Area express lanes and bridge toll operators. Beginning January 2020, staff will leverage near-term equity initiatives at MTC and other agencies to learn from low-income people about impacts and opportunities of tolling from their perspective to inform regional equity policy. Staff will report back to BAIFA with findings and policy recommendations.</p>
<p>Theme: Enforcement</p> <p>Enforcement needs to be improved. On 680, cars already drive around read points to avoid paying the toll, and this will happen on 880.</p> <p>Some cheat HOV eligibility, including setting toll tags incorrectly.</p> <p>More frequent cameras and increased police enforcement are needed to catch cheaters.</p> <p>Express lanes need to be accountable for reducing cheating based on real 'before' and 'after' data.</p>	<p>Staff is aware that people try to cheat. Express lanes reduce HOV cheaters by giving potential cheaters the option to pay to use the lane. While not perfect, enforcement in express lanes is better than in HOV lanes because 1) BAIFA contracts with CHP to perform daily enforcement with a focus on HOV cheaters, and 2) it is hard to avoid every toll system read point (especially in traffic congestion) and a single read results in paying the full zone toll or receiving a violation notice. MTC plans to conduct pilots of roadside camera-based and smartphone app-based occupancy detection technology to enhance enforcement. BAIFA prepares a 'before' and 'after' study for each new express lane, and reports on enforcement activity quarterly.</p>

Comment Theme <i>(generally ordered from most to least comments)</i>	Staff Response
<p>Theme: FasTrak®</p> <p>Relatively few comments related to FasTrak. Some expressed interest in having FasTrak be optional (especially for carpools) and the ability to pay by mail after using the lanes.</p>	<p>The FasTrak requirement enables automated toll enforcement, which helps BAIFA catch people who cheat and keeps tolls for everyone else lower. FasTrak is also critical for carpools and CAVs to share their status with the toll system, allowing them to pay reduced or no tolls, but also supporting better police enforcement of carpool and CAV requirements. The ability to pay by mail could be considered in the future.</p>

2. Comments on Caltrans-Approved HOV Policy

Comment Theme <i>(generally ordered from most to least comments)</i>	Staff Response
<p>Theme: High Occupancy Vehicle (HOV) Eligibility <i>[some comments reflect an incorrect understanding that Caltrans plans to raise HOV eligibility to 3 or more persons on BAIFA's I-680 Express Lanes]</i></p> <p>HOV eligibility should remain HOV2+, and any change should be based on real data available to the public.</p> <p>2-person carpools are not the reason the lanes are performing poorly.</p> <p>Carpooling is not an option for most people.</p> <p>Forming a 3-person carpool is inconvenient and hard, including for 2-person households. 2-person carpools will likely decrease because there is less incentive to carpool, and it is easy to pay to drive alone.</p>	<p>The 880 HOV lanes are performing poorly. About 20% of vehicles are HOV violators and 20% are Clean Air Vehicles. Even if HOV violators were eliminated on 880, there would be too many 2-person carpools and CAVs to meet federal performance requirements. A multi-prong approach is needed: 1) raise HOV eligibility to 3 or more persons; 2) charge 2-person carpools and CAVs a 50% toll; and 3) improve enforcement.</p> <p>Forming a 3-person carpool is much harder than a 2-person carpool. MTC will support carpool formation in several ways:</p> <ul style="list-style-type: none"> • Perform advertising, and employer and community-based outreach • Implement a new free ridematching system and rewards platform, while promoting apps like Scoop and Waze • Run a carpool rewards campaign for 3-person carpools • Increase the monthly vanpool subsidy to \$400 per van • Pilot a program with employers to provide them with commute management tools to reduce drive alone rates • Promote commuter parking lots in the 880 corridor <p>BAIFA will conduct a 'before' and 'after' study, which will include assessing changes in carpool rates.</p>

Comment Theme <i>(generally ordered from most to least comments)</i>	Staff Response
<p>Theme: Operating Hours</p> <p>Hours should focus on the morning and evening commute. Midday hours are an unnecessary take-away. Express lanes are often empty in the middle of the day.</p> <p>Midday tolls cause earlier traffic and more congestion in the other lanes, increasing air pollution.</p> <p>Midday hours are bad for folks travelling locally, too.</p>	<p>All Bay Area express lanes operate from 5am-8pm. Consistency of hours across toll facilities is important to keep rules simple for the customer. BAIFA's I-680 Express Lanes operate during these hours, and have not caused significant freeway traffic congestion in the middle of the day per data reported quarterly (www.mtc.ca.gov/express-lanes under 'related documents'). I-880 is already congested a good portion of the day; HOV lane hours could have been changed sooner, but are timed to coincide with conversion to express lanes. The I-880 Express Lanes will provide a reliable alternative to traffic.</p>
<p>Theme: Access</p> <p>Very few comments related to Access. One that stood out is that the 880 HOV lanes are slow mostly due to too much merging at major areas, and that access is the biggest issue to fix, not raising HOV eligibility to 3+.</p>	<p>As part of the conversion of the I-880 HOV lanes to express lanes, access restrictions will be introduced along significant stretches of the express lanes to reduce merging at major interchanges. The restrictions will be in the form of two solid white lines and are illegal to cross.</p>

3. Other Comments Unrelated to Toll Ordinance

Comment Theme <i>(generally ordered from most to least comments)</i>	Staff Response
<p>Theme: Taxes</p> <p>The public already paid to build and maintain the road through taxes, and should not have to pay again to drive on it.</p> <p>The cost of living in the Bay Area is high enough without tolls.</p> <p>Express lanes are just a ‘money grab’, and a waste of tax-payer money.</p>	<p>Express lanes offer new service that cost money to provide. Express lanes use tolling and technology to keep traffic moving and improve enforcement, giving carpoolers, bus riders and solo drivers the choice for a more reliable trip. Previously, solo drivers could not use the HOV lane during commute hours, and there was no technology to ensure its performance. No one is required to use express lanes.</p>
<p>Theme: Performance</p> <p>Express lanes create traffic congestion in neighboring lanes, and cause cars to divert to local roads.</p> <p>Express lanes make the carpool lane more crowded, which makes them perform worse and undermines carpools.</p> <p>Express lanes must be held accountable to meet the 45 mph speed threshold.</p>	<p>Express lanes perform more reliably and consistently better than regular carpool lanes, especially during peak traffic. Express lanes use tolls to discourage over-crowding, delivering a reliable trip that meets federal speed requirements. Vehicles that choose not to get in are spread out across all other lanes with minimal impact, and there is no data to suggest Bay Area express lanes have resulted in diverted traffic to local roads. The success of the Bay Area economy and rise of real-time navigation apps are the real culprits in terms of freeway and local road traffic congestion.</p> <p>BAIFA reports express lanes performance quarterly (www.mtc.ca.gov/express-lanes under ‘related documents’).</p>

Comment Theme <i>(generally ordered from most to least comments)</i>	Staff Response
<p>Theme: Other</p> <p>Other comments mentioned with some frequency included:</p> <ul style="list-style-type: none"> • State roads are still not well maintained despite tax increases; State funds are being mismanaged. • It is unclear how toll revenue is being spent, but maintaining the freeway should be a top priority. • Express lanes are bad for the environment because they enable people to drive alone and reduce incentives for carpools and CAVs. • Invest in more public transportation, not toll lanes. • Build new toll lanes; do not convert existing lanes. • Eliminate HOV and express lanes; everyone should be able to use all lanes. • Express lanes have increased accidents. 	<p>Responses in order are:</p> <ul style="list-style-type: none"> • BAIFA will share comments about the condition of State roads with Caltrans, the responsible public agency. • Paying for express lanes operating costs is top priority as is maintaining the express lanes portion of the freeway. Beyond operating and maintenance costs, priorities remain to be determined. BAIFA will adopt a toll revenue Expenditure Plan once there is more certainty about long-term revenues. • Drivers already cheat by driving in HOV lanes alone. While express lanes allow solo drivers to pay, they also incentivize carpools, buses and CAVs, and are operated to meet federal speed requirements – which are good for the environment. • Express lanes are an investment in public transportation because buses (and their riders) benefit from reliable performance. The region is investing in connecting express lanes into a network to support public transportation. • Conversion of existing HOV lanes are the fastest and least expensive way to improve mobility and reliability. New toll lanes are being built where there is no existing HOV lane and where right-of-way exists to add a lane such as on I-680 southbound through Walnut Creek. • Eliminating HOV and express lanes would undermine carpools and buses. Studies prove these lanes move more people faster than regular lanes. • BAIFA monitors accidents on its 680 express lanes relative to a control corridor, and has not seen a noticeable difference.



**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,

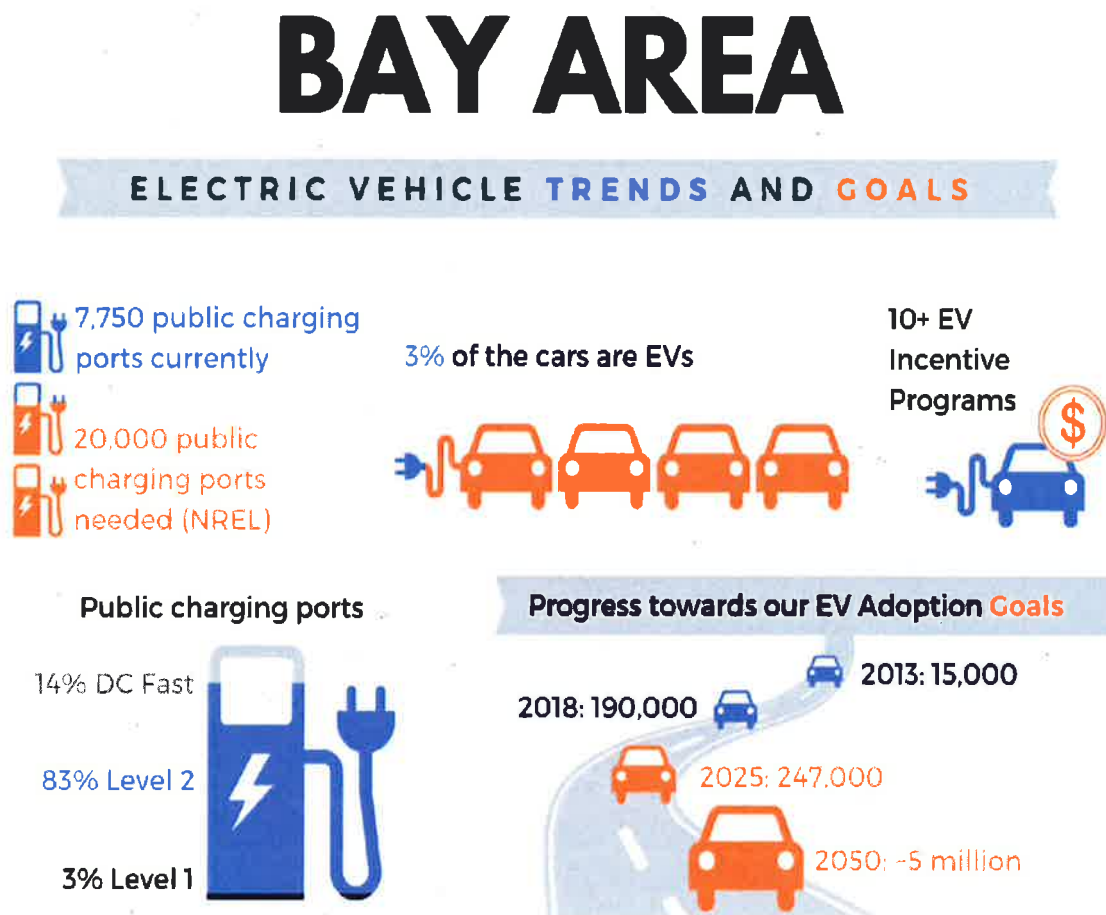
I'm writing on behalf of the Bay Area Air Quality Management District (Air District) to request BAIF support 50% toll fees for Zero Emissions Vehicles (ZEV) to access the new express lanes on Interstate 880 (I-880) as part of the changes you are making to the existing Toll Facility Ordinance. The Air 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

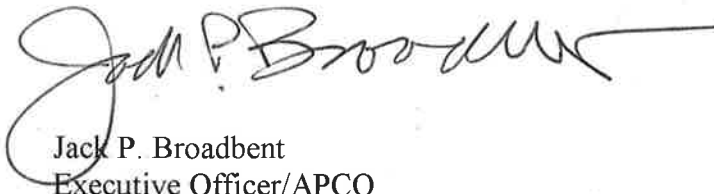
that ZEV are still in the “early adopter” phase of consumer acceptance. Studies¹ and anecdotal information from ZEV advocacy groups such as Plug in America and Veloz show that HOV lane incentives are a powerful tool in pushing ZEV vehicle sales and adoption. In fact, the footnoted study below states 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