

## **Bay Area Toll Authority Oversight Committee**

**October 13, 2021**

**Agenda Item 5a - 21-1156**

### **Equity Action Plan Update, Contract Action, and Referral to Authority – FasTrak® Policies**

- i. BATA Resolution No. 52, Revised – FasTrak® Regional Customer Service Center Policy Revisions: (a) Reduce Toll Violation Penalties on the State-owned Bridges and (b) Apply Reduced Penalties Retroactively to January 1, 2021; and**
  - ii. Contract Change Order – FasTrak® Regional Customer Service Center Support to Reduce Toll Violation Penalties: Conduent State and Local Solutions, Inc., (\$200,000)**
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**Subject:** An update on the FasTrak® Equity Action Plan, request that BATA Resolution No. 52, Revised be referred to the full Authority for approval, and request to authorize the Executive Director or designee to negotiate and enter into a contract change order with Conduent State and Local Solutions, Inc. (Conduent).

**Background:** At the May 2021 BATA Oversight meeting, staff unveiled an ambitious strategy to make the Bay Area FasTrak® program more equitable through its Equity Action Plan. As discussed at that meeting, staff is taking a holistic approach that considers the many aspects of customers interacting with the program. The intention of the Equity Action Plan is to provide customer-friendly toll payment options that serve all drivers equitably, regardless of factors such as household income, English proficiency, or access to online and banking services.

The plan emphasizes that equity is broader than changing financial policies. Staff has dedicated and will continue to dedicate significant resources to seeing that FasTrak® is as accessible as possible. Highlighted improvements include the following:

**Access through Communication.** Staff made the FasTrak® website more accessible to non-English speakers when it launched the static pages of the new program website in three languages – English, Spanish and Traditional Chinese – in mid-2020. Now staff is turning its attention to translating the rest of the site, and this will be done before the end of the calendar year. This past summer, staff produced eight educational videos that are being used on the website and in customer service communications, and these also are being translated into Spanish and Chinese. These translations will be done and posted on the website by December 1, 2021. Also, the CSC continues to increase its bilingual staff to support the growing number of Spanish-speaking callers. With recent

hiring, 23% of call agents in the CSC are fluent in Spanish, allowing them to maintain similar wait times for English and Spanish callers.

**Access through Technology.** BATA staff recognizes that not everyone has a computer, but most people have smartphones. To provide greater access to FasTrak® services, staff has been working on a FasTrak® mobile app, which will make it more convenient for customers to pay invoices and violations, check transactions, and manage their FasTrak® account. The mobile app provides another form of access for those without computers. The app is currently in testing and is expected to be released by January 2022.

**Access through Affordability.** Policies with financial implications have also been a central focus of the Equity Action Plan in recent months. At the November Committee meeting, staff will seek approval for three policy changes that will make it more accessible and affordable to become a FasTrak® customer and manage accounts:

- **Tag deposit:** Deposits for toll tags are now \$20 and are waived for the first three toll tags for customers funding their FasTrak® account with a credit card. The deposit is not waived for customers who fund their FasTrak® account using cash or check. Staff's recommendation is to reduce the required tag deposit from \$20 to \$5, thereby lowering the cost of entry into a FasTrak® account. It is important to note that tag costs have decreased considerably from about \$20 per tag to \$5 per tag since California toll agencies transitioned to a new technology in January 2019, making this decrease more financially feasible than in the past.
- **Opening balance for a FasTrak® account:** When opening a FasTrak® account, a pre-paid balance is required. Currently a customer paying with cash or check must have an opening balance of \$50 – this is \$25 more than customers who fund their account with a credit card. Staff's recommendation is to require a \$25 pre-paid balance for both methods of payment.
- **Cash payment network:** Sometimes equity is as simple as providing a place to pay. FasTrak® maintains a network of cash payment locations where cash/check customers can pay invoices and violations as well as add value to their FasTrak® accounts. The program recently added WalMart to the list of chain stores with cash payment kiosks, and staff is actively looking for additional locations, particularly in areas serving non-English-speaking customers. In addition, customers who use a cash payment location currently pay a fee of \$1.95 to reload their FasTrak® accounts and

\$2.95 to pay a violation. In November, staff will seek approval to eliminate all cash payment network fees for customers.

**Proposed Toll Penalty Revisions** A major component of the Equity Action Plan is review of BATA's toll violation program. As a first step, BATA staff recommends reducing the penalty amounts retroactive to January 1, 2021, when BATA violation penalties were reinstated. Currently, toll violation penalties are \$25 for the first notice and \$70 for the second notice. After fully exploring the issue, staff now formally recommends that penalty amounts be restructured to reduce the amount for a first notice to \$5 and the second notice to \$15 (see below, Item i). Staff anticipates that the Customer Service Center (CSC) will complete system changes by December 1, 2021.

BATA intends to refund first and second notice penalties that were paid after January 1, 2021 in excess of the new penalty amounts. Staff anticipates the CSC will have a refund and claim process in place in December and that it will take several months to complete the refund effort.

Since the pandemic began in March 2020, BATA has delayed sending unpaid violation notices to the Department of Motor Vehicles (DMV) for registration holds or to collections. Now that the Customer Service Center (CSC) operations have improved and are expected to return to normal call answering performance levels in November, staff plan to release the pending unpaid violations from March through December 2020 to DMV hold and collections. Recall that during this period, BATA reduced violation penalties to \$0, so the released transactions will not contain any violation penalties.

Starting January 1, 2021, BATA reinstated violation penalties. For open violation notices associated with transactions from January 2021 to present, staff recommends reducing the outstanding penalties to \$15. However, BATA will not release these 2021 pending transactions to DMV registration hold or collections until a future Committee action. Staff will return next month with ideas on how to handle these pending transactions.

Sending unpaid violations to DMV registration hold or collections is the final enforcement that ensures BATA bridge tolls are collected and meets bond financing covenants. Customers who miss making the invoice payment and receive a violation notice will continue to be able to enroll in FasTrak<sup>®</sup> and have the violation penalty waived in full, formalizing a current practice as part of FasTrak<sup>®</sup> policy revisions, under Resolution 52,

as long as they take action prior to the violation escalating to DMV registration hold or collections.

Staff will continue to review the invoice and violation process to recommend refinements to the invoice process, ongoing analysis of the penalty amounts, and feasibility of payment plans.

The information and actions summarized above and requested below are only the beginning. Activities coming up next include a comprehensive community and stakeholder engagement program to get input on potential future actions. Staff also will establish a framework for measuring the effectiveness of changes. And while staff is recommending some initial modifications, the Equity Action Plan envisions increasingly impactful changes. Considerations could include accepting new types of payment (such as Venmo), developing incentives for people to pay their invoices and violation notices, establishing grace periods, and creating payment plans for violation penalties. Staff will come back to future meetings with more detailed analyses on the nature, timing, opportunities and challenges attached to other potential changes.

**i. BATA Resolution No. 52, Revised – FasTrak® Regional Customer Service Center Policy Revisions: (a) Reduce Toll Violation Penalties on the State-owned Bridges and (b) Apply Reduced Penalties Retroactively to January 1, 2021**

BATA Resolution No. 52, Revised was previously amended on September 23, 2020, to reflect FasTrak® Regional Customer Service Center policies to support deployment of all electronic tolling at BATA bridges. As part of this deployment, BATA adopted AET invoices as an option for toll payment. This Revision also included BATA absorbing the cost of convenience fees associated with invoice payments made at cash payment network locations and to include a reference to the cash payment network policy.

BATA Resolution No. 52, Revised currently includes violation penalties for toll evasion of \$25 for a first notice and \$70 for a second notice. Staff recommends reducing the penalties **for BATA bridge violations** to \$5 for a first notice and \$15 for a second notice, to be effective retroactive to January 1, 2021. Staff anticipates the CSC will complete system changes by December 1, 2021 and all notices that are mailed on or after that date will be sent with the revised penalty amounts and all notices that are open as of that date will have the penalty amounts revised to the new effective amounts. The reduction in penalties applies to any violations that are pending to be sent to DMV registration hold or to collections, exclusive of cashless notices between March and December 2020, which had no

violation penalties. In addition to open notices, BATA intends to refund first and second notice penalties that were paid after January 1, 2021 in excess of the new penalty amounts. Staff anticipates the CSC will have a refund and claim process in place in December and that it will take several months to complete the refund effort.

Attachment A-1 includes BATA Resolution No. 52, Revised.

**ii. Contract Change Order – FasTrak® Regional Customer Service Center Support to Reduce Toll Violation Penalties: Conduent State and Local Solutions, Inc., (\$200,000)**

This item includes both toll penalty reduction and applying the reduction to open notices. The change order includes system changes, website changes, correspondence and reporting modifications, testing and deployment. The estimated cost of this change order to support reduction of toll violation penalties is \$200,000.

Attachment A-2 includes a summary of Conduent and its project team's small business and disadvantaged business enterprise status.


**Issues:** None identified.

**Recommendation:**

- i. Staff recommends that this Committee refer BATA Resolution No. 52, Revised, to the Authority for approval to reduce violation penalties for toll evasion and apply the reduced penalties retroactively to January 1, 2021, on the state-owned bridges as described above.
- ii. Staff recommends that the Committee authorize the Executive Director or designee to negotiate and enter into a Contract Change Order with Conduent in an amount not to exceed \$200,000 to implement reduced toll violation penalties as described above.

**Attachments:**

- Attachment A-1 – BATA Resolution No. 52, Revised
- Attachment A-2 – Conduent State and Local Solutions, Inc., Small Business and Disadvantaged Business Enterprises Status

  
Therese W. McMillan

**Attachment A-1 BATA Resolution No. 52, Revised**

Date: July 28, 2004  
W.I.: 1252  
Referred by: BATA Oversight  
Revised: 07/26/06-BATA 10/24/12-BATA  
07/27/16-BATA 02/28/18-BATA  
09/23/20-BATA 10/27/21-BATA

### ABSTRACT

#### BATA Resolution No. 52, Revised

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

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

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

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

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

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

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

Further discussion of this resolution is contained in the Executive Director's memoranda dated July 7, 2004; July 5, 2006, October 3, 2012, July 6, 2016, February 7, 2018, September 9, 2020 and October 13, 2021.



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

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

BAY AREA TOLL AUTHORITY  
RESOLUTION No. 52, Revised

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

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

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

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

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

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

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

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

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

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

BAY AREA TOLL AUTHORITY



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Dave Cortese, Chair

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

Date: July 28, 2004  
W.I.: 1252  
Referred by: BATA Oversight  
Revised: 07/26/06-BATA 10/24/12-BATA  
07/27/16-BATA 02/28/18-BATA  
09/23/20-BATA 10/27/21-BATA

Attachment A  
Resolution No. 52  
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**FasTrak® Regional Customer Service Center (RCSC) Policies,  
effective December 8, 2012 on the  
San Francisco Bay Area State-Owned Toll Bridges, as revised for all  
facilities served by the RCSC**

## Attachment A



### Regional Customer Service Center Policies

effective December 8, 2012, as revised on October 27, 2021

	Policy	Regional CSC effective December 8, 2012, as revised on October 27, 2021
1.	General	
2.	Terms & Conditions	Regional CSC license agreement
3.	Privacy Policy	Regional CSC privacy policy
4.	Account types	
5.	Prepaid Accounts	- Private, Business, Non-revenue, Anonymous
6.	Commercial Post Paid Accounts	Deleted
7.	License Plate Account	Yes
8.	One Time Payment	Yes
9.	Account policies	
10.	Prepaid Toll Account Opening Balance	Credit Card Account - \$25 per tag Cash/check Account- \$50 per tag N/A for License Plate Account and One Time Payment
11.	Replenishment Amount	<b>Private:</b> Credit card - \$25 per tag min. Cash/check - \$40 per tag min. or 1-month average based on previous 90 days usage  <b>Business:</b> Credit card - \$25 per tag min. Cash/check - \$40 per tag min. or 45-day average based on previous 90 days usage  N/A for License Plate Account and One Time Payment
12.	Replenishment Threshold	Credit Card Account - \$15 min. or 2-week average use based on previous 90 days  Cash/check Account - \$30 min. or 2-week average use based on previous 90 days  N/A for License Plate Account and One Time Payment
13.	License Plate Account and One Time Payment Minimum Balance	Credit card – Charged to credit card Cash/check - \$7.25 or current toll rate on GGB for 2 axle vehicle
14.	Tag Deposit	Credit Card Account - \$20 per tag, waived for first 3 tags  Cash/check Account - \$20 per tag  N/A for License Plate Account and One Time Payment

## Attachment A



### Regional Customer Service Center Policies

effective December 8, 2012, as revised on October 27, 2021

	Policy	Regional CSC effective December 8, 2012, as revised on October 27, 2021
15.	Max number of tags	None
16.	Lost/stolen tags maximum liability	\$0 after notification, No maximum
17.	Low Balances	Credit Card Account - Automatic replenishment Cash/check Account - Send notice requesting replenishment; In-lane display shows low balance message
18.	Account Suspension	Immediate tag suspension when account balance is less than zero
19.	Account Revocation	Negative Balance for 90 days OR No activity for one year
20.	One Time Payment Account Closure	Limited term – account closed after 30 days Balance not refundable
21.	Reciprocity	
22.	Toll Discounts apply to customers of other toll facilities	Yes
23.	Guarantee of tolls to other toll agencies based on Regional CSC tag and plate files	Yes
24.	Account fees	
25.	Additional Statement Fee	1. \$1 for monthly paper statements 2. \$1 statement regeneration 3. \$7 for disk (business and commercial accounts only)
26.	Bad Check Fee	\$25
27.	Tag Replacement Charges	\$20 interior \$20 exterior
28.	Infrequent User Fee	None.
29.	Account Maintenance Fee	None.
30.	Tags Fees/Sales	None.
31.	Post Paid License Plate Toll Invoices	Golden Gate Bridge and state-owned bridges

## Attachment A



### Regional Customer Service Center Policies

effective December 8, 2012, as revised on October 27, 2021

	Policy	Regional CSC effective December 8, 2012, as revised on October 27, 2021
32.	Violation Policies	
33.	Toll Evasion	<p><u>All Violations</u></p> <p>1<sup>st</sup> Notice Toll + \$25 penalty</p> <p>2<sup>nd</sup> Notice Toll + \$70 penalty</p> <p><u>Reduced violation penalties on state-owned bridges, effective January 1, 2021:</u></p> <p>1<sup>st</sup> Notice Toll + \$5 penalty</p> <p>2<sup>nd</sup> Notice Toll + \$15 penalty</p> <p>Reduced penalties may apply to other toll facilities, if adopted by their respective agencies.</p> <p>Exceptions:</p> <ol style="list-style-type: none"> <li>1. If the violation is determined to be the fault of the toll agency.</li> <li>2. For 1<sup>st</sup> time offense, a non-customer can open a FasTrak account prior to DMV registration hold or collections and the penalty will be waived.</li> <li>3. For FasTrak account holders in good standing, toll-only will be posted to the account balance. If the account balance is less than the amount of the toll, the account balance must be brought to the replenishment threshold amount prior to posting the violation toll amount.</li> </ol> <p>Processing fee of \$4 for DMV registration holds or as otherwise set by the DMV, when applicable.</p>
34.	Cash Payment Network	

	<b>Policy</b>	<b>Regional CSC effective December 8, 2012, as revised on October 27, 2021</b>
35.	Electronic Toll Collection Payment Locations	Toll payment can be made at the FasTrak® Regional Customer Service Center, by mail and by the internet. For cash customers, toll payments can also be made via a network of cash payment locations. A list of available walk-in centers can be found on the Bay Area FasTrak® website, <a href="http://www.bayareaFasTrak.org">http://www.bayareaFasTrak.org</a> . Convenience fees that may be charged by businesses enrolled in the cash payment network system are the responsibility of the customer. However, BATA, Golden Gate Bridge Highway and Transportation District, and other entities and toll facility operators supported by the FasTrak® Regional Customer Service Center will absorb the cost of convenience fees for One-Time Payments, Invoice Payments, and License Plate Account replenishment until further notice.

## Attachment A-2

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

			DBE* Firm			SBE** Firm		
	Firm Name	Role on Project	Yes	DBE #	No	Yes	SBE #	No
Prime Contractor	Conduent	System Development and Operations			X			X
Subcontractor	Atos	Network Management			X			X
Subcontractor	CCS	3 <sup>rd</sup> Party Call Center			X			X

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

\*\*Denotes certification by the State of California.



**Request for Committee Approval**  
**Summary of Proposed Contract Change Order**

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Work Item No.:	1252
Consultant:	Conduent State and Local Solutions, Inc. (Conduent) San Francisco, CA
Work Project Title:	FasTrak® Regional Customer Service Center
Purpose of Project:	Support reduction of violation penalties for toll evasion.
Brief Scope of Work:	Provide system and operations support for reducing toll violation penalties and applying reduced penalties to open notices.
Project Cost Not to Exceed:	This Change Order: \$200,000  Current contract amount before this Change Order: \$374,739,614  Maximum contract amount after this Change Order: \$374,939,614 (this total does not include other October 13, 2021 contract approval actions)
Funding Source:	BATA Toll Bridge Program Operating Funds
Fiscal Impact:	Funds included in the FY 2021-22 Toll Bridge Program Operating Budget.
Motion by Committee:	That the Executive Director or designee is authorized to negotiate and enter into a contract change order with Conduent for services as described above and in the BATA Oversight Committee Summary Sheet dated October 13, 2021, and that the Chief Financial Officer is authorized to set aside \$200,000 for such contract change order.
Operations Committee:	<hr/> Amy Worth, Chair
Approved:	October 13, 2021