

**Bay Area Toll Authority
Oversight Committee**

November 10, 2021

Agenda Item 5a - 21-1350

Update on Bay Area FasTrak® Equity Action Plan and FasTrak® Policy Changes: Referral to Authority and Contract Action

- i. BATA Resolution 52, Revised – FasTrak® Regional Customer Service Center Policy Revisions to Reduce Toll Tag Deposit and Pre-paid Balance to Open a FasTrak® Account and Eliminate Cash Payment Network Fees to Support Affordability and Accessibility of FasTrak® and**
 - ii. Contract Change Order – FasTrak® Regional Customer Service Center Support to (1) Reduce Tag Deposit and Prepaid Balance to Open a FasTrak® Account and Eliminate Cash Payment Network Fees, and (2) Support RM3 Toll Increase: Conduent State and Local Solutions, Inc., (\$150,000)**
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Subject:

A request that BATA Resolution No. 52, Revised be referred to the full Authority for approval, a 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) and an update on the Bay Area FasTrak® Equity Action Plan.

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. Staff provided an update on that plan at the October 2021 BATA Oversight meeting. At that meeting, staff heard from Commissioners about the need for customers to be able to resolve issues and manage debt, to urgently focus on those who need it most, and include baseline data and cost/benefit analyses in assessments of potential policy changes, among other requests and comments. In response to the Authority's desire to provide customer-friendly toll payment options that improve accessibility and affordability for Equity Priority Communities, staff envisions a set of significant changes.

To start with, in October 2021, this Committee referred to the full Authority a proposed change to reduce the amount of violation penalties from \$25 to \$5 for the first notice and from \$45 to \$10 for the second notice; for a combined first and second penalty total of \$70. BATA Resolution No. 52, Revised was approved by the Authority on October 27, 2021, to reflect FasTrak® Regional Customer Service Center policies related to these changes in violation

penalties. Today, staff will request approval for additional policy changes that will make it easier for drivers to sign up for FasTrak® and discuss future policy assessments.

Today's Actions

i. BATA Resolution No. 52, Revised – FasTrak® Regional Customer Service Center

Revisions: Reduce Toll Tag Deposit, Reduce Minimum Opening Balance Requirement and Eliminate Cash Payment Network Fees

As presented at the October Committee meeting, additional ways to make immediate policy changes to increase FasTrak® access through affordability include reducing the deposit for toll tags, reducing the required opening balance for all customers, and eliminating cash payment network fees. Staff promised to come back in November 2021 for formal approval to make these changes:

- 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. The tag replacement fee would also be reduced from \$20 to \$5 to align with the reduced tag deposit. It is important to note that tag costs have decreased considerably from about \$20 per tag to about \$5 per tag since California toll agencies transitioned to a new technology in January 2019.
- Opening balance for a FasTrak® account: Opening a FasTrak® account requires a pre-paid balance. Currently a customer paying with cash or check must have an opening balance of \$50 – \$25 more than customers who use a credit card. Staff's recommendation is to require a \$25 pre-paid balance for both methods of payment.
- Cash payment network: FasTrak® maintains a regional network of cash payment locations where customers can pay invoices and violations as well as add value to their FasTrak® accounts. Currently, customers who use a cash payment location pay a fee of \$1.95 to reload their FasTrak® accounts and \$2.95 to pay a violation. Staff recommends eliminating these fees.

Staff recommends revising BATA Resolution No. 52, Revised to reduce tag deposits, reduce pre-paid toll deposits for customers who open accounts with cash or check and eliminate cash payment network convenience fees paid by customers. These policy changes would be effective March 31, 2022 upon completion of system updates by the CSC contractor.

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

ii. Contract Change Order – FasTrak® Regional Customer Service Center Support to Reduce Toll Tag Deposits, Reduce Opening Balance Requirements, and Eliminate Cash Payment Network Fees and RM3 Toll Increase: Conduent State and Location Solutions, Inc. (\$150,000)

This item includes work to support the policy changes described above as well as system changes needed to support the January 1, 2022, RM3 toll increase. The change order includes system changes, website changes, correspondence and reporting modifications, testing and deployment. This change order also includes crediting existing tag deposits above the new reduced amounts back to the customer's account to be used as prepaid tolls. The estimated cost of this change order is \$150,000.

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

Future Policy Assessments

The policy changes approved in October and those being proposed today are still just the beginning. Staff is assessing a number of other policies for future changes throughout the first three quarters of 2022. Part of assessing proposed changes is to develop guiding principles for the proposed changes. For example, meaningful change and fairness are two concepts for principles. In addition, staff needs to look at what a new operationalized policy would look like. For example, how should staff take proposals on paper to real life? How should this work be prioritized among other ongoing work and Commission priorities?

A number of factors will need to be taken into consideration as staff conducts assessments of potential changes: funding, impact on revenue, legal implications, contractual issues, privacy and data security issues, impact on other California tolling agencies, and of course, feedback from

and impact on Equity Priority Communities. Staff also will need to establish baselines and monitor changes to determine if the policy changes implemented have been successful.

Ultimately, the goal of the Equity Action Plan is to best serve Equity Priority Communities.

The next batch of policies staff is reviewing include the following, along with sample questions that staff will need to answer:

- Extended payment periods: Staff will be exploring the feasibility of extending payment periods for all customers. How long should the extension period be? How would this change affect revenue collection?
- Financial hardship claims: This would allow people to petition for relief from penalties/fees due to financial hardship. How can such a change provide relief to the people who need it most? How is “hardship” defined?
- Payment plans for accrued toll penalties and fees: A payment plan would be based on income eligibility. If it applies to those meeting income requirements, how would eligibility be verified? Who would be responsible for collecting payments? These and other issues will need to be explored, and staff will return to this Committee on a regular basis to provide updates and seek approval on proposed policy changes.

Recommendations:

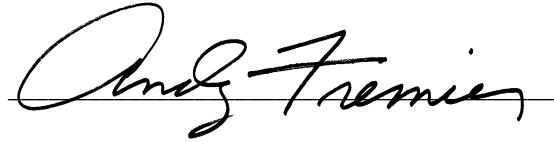
i. Staff recommends that this Committee refer BATA Resolution No. 52, Revised, to the Authority for approval to reduce toll tag deposits, reduce minimum opening balance requirements, and eliminate cash payment network fees effective March 31, 2022, as described above.

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 \$150,000 to implement FasTrak® Regional Customer Service Center policies and support the January 1, 2022 RM3 toll increase 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 Enterprises Status

A handwritten signature in black ink, reading "Andrew B. Fremier", written over a horizontal line.

Andrew B. Fremier

Date: July 28, 2004
W.I.: 1252
Referred by: BATA Oversight
Revised: 07/26/06-BATA 10/24/12-BATA
07/27/16-BATA 02/28/18-BATA
09/23/20-BATA 10/27/21-BATA
11/17/21-BATA

ABSTRACT

BATA Resolution No. 52, Revised

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

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

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

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

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

Further discussion of this resolution is contained in the Executive Director's memoranda dated July 7, 2004; July 5, 2006, October 3, 2012, July 6, 2016, February 7, 2018, September 9, 2020, October 13, 2021 and November 10, 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

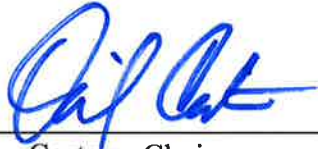
WHEREAS, BATA and the Golden Gate Bridge Highway and Transportation District entered into a Cooperative Agreement on August 26, 2003 to consolidate FasTrak™ Service Center operations, and

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



Dave Cortese, Chair

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

Date: July 28, 2004
W.I.: 1252
Referred by: BATA Oversight
Revised: 07/26/06-BATA 10/24/12-BATA
07/27/16-BATA 02/28/18-BATA
09/23/20-BATA 10/27/21-BATA
11/17/21-BATA

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 November 17, 2021

	Policy	Regional CSC effective December 8, 2012, as revised on November 17, 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 – reduced to \$25 per tag, effective 3/31/2022 N/A for License Plate Account and One Time Payment
11.	Replenishment Amount	Private: Credit card - \$25 per tag min. Cash/check - \$40 per tag min. or 1-month average based on previous 90 days usage Business: 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 – reduced to \$5 per tag, waived for first 3 tags, effective 3/31/2022 Cash/check Account - \$20 per tag – reduced to \$5 per tag, effective 3/31/2022 N/A for License Plate Account and One Time Payment

Attachment A



Regional Customer Service Center Policies effective December 8, 2012, as revised on November 17, 2021

	Policy	Regional CSC effective December 8, 2012, as revised on November 17, 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 – reduced to \$5, effective 3/31/2022 \$20 exterior – reduced to \$5, effective 3/31/2022
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 November 17, 2021

	Policy	Regional CSC effective December 8, 2012, as revised on November 17, 2021
32.	Violation Policies	
33.	Toll Evasion	<p><u>All Violations</u></p> <p>1st Notice Toll + \$25 penalty</p> <p>2nd Notice Toll + \$70 penalty</p> <p><u>Reduced violation penalties on state-owned bridges, effective January 1, 2021:</u></p> <p>1st Notice Toll + \$5 penalty</p> <p>2nd 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"> 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 prior to DMV registration hold or collections and the 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 replenishment threshold amount prior to posting the violation toll amount. <p>Processing fee of \$3 for DMV registration holds or as otherwise set by the DMV, when applicable.</p>
34.	Cash Payment Network	

	Policy	Regional CSC effective December 8, 2012, as revised on November 17, 2021
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, http://www.bayareaFasTrak.org . 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 and, effective 3/31/2022, for FasTrak® Account replenishment and Violation Notice payments 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 rd 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

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 changes to FasTrak® customer policies.

Brief Scope of Work: Provide system and operations support for reducing tag deposit and pre-paid toll deposit, eliminating cash payment network fees and supporting RM3 toll increase.

Project Cost Not to Exceed: This Change Order: \$150,000

Current contract amount before this Change Order: \$375,339,614

Maximum contract amount after this Change Order: \$375,489,614

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 November 10, 2021, and that the Chief Financial Officer is authorized to set aside \$150,000 for such contract change order.

BATA Oversight Committee:

Amy Worth, Chair

Approved: November 10, 2021