

**Bay Area Infrastructure Financing Authority
Network and Operations Committee**

June 13, 2025

Agenda Item 5a

**Bay Area Infrastructure Financing Authority (BAIFA) Toll Facility Ordinance
Amendment**

Subject:

Recommendation to refer the revised toll ordinance to the Authority for adoption. The proposed changes would apply BAIFA's toll policy to new Express Lanes on Interstate 80 (I-80) in Solano County, allow pilots to be extended beyond three years in certain circumstances and test alternative hours and days of operation, increase the minimum toll per zone, clarify the potential end date for the Clean Air Vehicle discount, and adjust the boundaries of the toll zones on southbound Interstate 680 (I-680).

Background:

The BAIFA toll facility ordinance is the legal document that specifies tolling rules and violation enforcement policies on BAIFA's Express Lanes, including I-680 in Contra Costa County and I-880 in Alameda County. BAIFA will open the new I-80 Express Lanes in Solano County this fall. As required by State statute, BAIFA first adopted its toll ordinance in July 2016, in preparation for the opening of the I-680 Express Lanes in Contra Costa County. Since then, BAIFA has amended its toll ordinance three times to add new express lanes and keep tolling policies up to date. As shown via redline edits in Attachment A, BAIFA is currently proposing to amend the toll facility ordinance to make five changes.

Change #1: Apply BAIFA's toll policies to new Express Lanes on I-80 in Solano County

This change would formally bring the new I-80 Express Lanes in Solano County into BAIFA's Toll Facility Ordinance. Construction is nearing completion, and BAIFA must extend its toll policies to this freeway segment before tolling operations can begin later this year.

Change #2: Allow pilots to be extended beyond three years in certain circumstances and test alternative hours and days of operation

Today, BAIFA may approve pilots on express lanes with a maximum duration of three years. This amendment would allow BAIFA to approve an additional three years in certain circumstances. This means the maximum duration for pilots, such as Express Lanes START,

would be six years. The revised language would also clarify that pilots can test operational policies such as alternative hours of operation and days of the week, as is currently being considered for the potential pilot of weekend hours of operations on I-80 Express Lanes. Individual pilot approvals require BAIFA actions that would be separate from and follow this toll ordinance amendment.

Change #3: Increase the minimum toll per zone

This change is proposed to update the minimum toll for all BAIFA Express Lanes from \$0.50 to \$0.75 per toll zone. The minimum toll is the toll when there is little or no congestion. The proposed increase ensures that each such transaction covers BAIFA's operating and maintenance costs, which have risen over time.

Change #4: Clarify the potential end date for the Clean Air Vehicle discount

This change is proposed in order to clarify that the Clean Air Vehicle (CAV) discount is currently scheduled to end September 30, 2025, at the sunset of existing federal law that permits CAVs to use carpool lanes without the qualifying number of occupants, unless the federal law is amended prior to that date.

Change #5: Adjust the boundaries of the toll zones on southbound I-680 in Contra Costa County

This change is proposed to update the description of the toll zone boundaries on the southbound I-680 Express Lane to reflect the gap closure between BAIFA's Express Lanes in Contra Costa County and the Express Lanes operated by the Alameda County Transportation Commission further south; the gap closure is expected to begin operations early next year.

In addition to the five changes listed above, clarifying edits are proposed for the text in Attachment A that describes one-time waivers currently available to Express Lanes users.

Summary of Public Comments:

In March 2025, staff presented an outline of the proposed toll ordinance amendment to the BAIFA Network and Operations Committee (NOC) and MTC Policy Advisory Council. In April 2025, staff conducted a multi-lingual outreach campaign to promote the opportunity for public comment on the proposed amendment through newspaper public notices, an MTC press release, information on the MTC and 511 websites, organic social media posts, and a paid digital ad

campaign. Staff held a public webinar on April 23, 2025 to answer questions about the proposed changes to the toll ordinance. A public hearing was conducted during the BAIFA NOC meeting on May 9, 2025 to receive oral testimony on the proposed changes. The public comment period formally closed at 5:00 p.m. on May 9, 2025.

BAIFA accepted comments on the toll ordinance amendment through multiple channels, including a webform, email, USPS, fax, and via the public hearing. BAIFA received a total of 15 public comments on the toll ordinance amendment; the comments are posted at <https://www.mtc.ca.gov/BAIFA-toll-ordinance>. Written comments included six comments submitted via email and nine comments submitted through the online web form. During the public hearing, there were no speakers who gave oral testimony. Each comment was reviewed and categorized based on one or more themes it addressed. The themes are presented in the table below with a count of the number of comments that reflected each theme.

Theme (Number of Comments)	Response
<p>Economic Burden (6) – Commenters are generally frustrated with the high cost of living in the Bay Area and/or California and driving and overall taxes; several noted that the proposed costs could add to that burden.</p>	<p>Drivers only pay tolls when they choose to use express lanes and not for using the general purpose lanes in express lane corridors. The minimum toll is raised to cover increased costs of operations and maintenance.</p>
<p>Fairness & Equity (5) – Commenters were concerned that not all residents have the means to pay to use express lanes and that charging for their use exacerbates income inequality; some questioned the idea of charging during periods when traffic is not heavy.</p>	<p>Staff recognizes that equity is a 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. That is a primary reason the Authority is piloting—and looking to expand—its low-income discount program to Solano County. We continue to learn from other related pilot programs as well.</p>

Theme (Number of Comments)	Response
<p>No Tolling (4) – Commenters questioned the idea of charging any toll at all for express lanes, saying that if gas taxes and other public funds paid for the infrastructure, it should be open to all.</p>	<p>Some express lanes are conversions of an existing HOV lane when the operational performance of those lanes no longer meets the federal standard for minimum speed improving trip reliability for carpools and transit. Once open, express lanes tolls are used to pay for operations, including enforcement, as well as maintenance and rehabilitation of the lanes themselves.</p>
<p>Climate & Air Quality (4) – Commenters noted that driving contributes to greenhouse gas emissions and poor air quality; they expressed concerns that new lane capacity and making it easier to drive will encourage more VMT and will make it harder to meet our regional climate goals.</p>	<p>A major goal of pricing the new lanes is to encourage carpooling and transit ridership and reduce new demand for the additional lane capacity. Express Lanes are a strategy to limit the negative air quality impacts of highways.</p>
<p>Need for Alternatives to Driving (4) – Commenters expressed a desire for improvements in other modes besides driving, such as public transit, or an awareness that the lack of high-quality alternatives to driving makes it harder to get around the Bay Area.</p>	<p>Alternatives to driving are part of Plan Bay Area 2050 and help to improve mobility and access in the Bay Area. BAIFA does not directly construct or operate alternatives to driving, but its policies can support the future development of alternatives to driving. For example, public transit operators can use express lanes to offer a more reliable trip to their passengers.</p>

Theme (Number of Comments)	Response
<p>CAV and HOV Discounts (3) – Commenters expressed support for the CAV discount and the HOV discounts, in some cases endorsing specific aspects of existing policies; there was one request to change to a new policy where HOVs with 2 occupants would travel free on all express lanes.</p>	<p>BAIFA must comply with state and federal law regarding the CAV discount, and the federal law that authorizes CAVs to use carpool lanes without the qualifying number of occupants is set to expire in September. BAIFA and its partner express lane operators strive for regional consistency where possible. Occupancy requirements consider traffic analysis and the operational characteristics in each corridor as well as regional consistency. BAIFA works with Caltrans to identify the best set of operational policies to offer a reliable trip to express lane users in each location.</p>
<p>Freeway Performance (1) – A commenter made observations about local freeway conditions in the I-80 corridor in Solano County, suggesting that congestion is not bad enough to warrant tolls or that Solano County travel patterns will be unfairly impacted by the changes. They also flagged more general concerns about whether express lanes leads to better operational performance outcomes on the general purpose lanes.</p>	<p>Traffic analysis conducted during the planning for the I-80 Express Lanes showed that pricing a lane in each direction would improve freeway performance and long-term outcomes. Express lanes keep traffic moving, giving carpoolers, bus riders and solo drivers the choice for a more reliable trip. The express lane toll system evaluates speeds in both the express lanes and the general purpose lanes and sets a price that helps maximize overall throughput and improve performance of the freeway as a whole. Staff regularly analyzes traffic data to compare current and past corridor performance.</p>

Theme (Number of Comments)	Response
<p>Safety & Enforcement (1) – A commenter indicated a concern about whether enforcement activities could unfairly penalize or criminalize drivers and whether the use of CHP for Express Lanes enforcement would reduce CHP’s dedication to their primary functions of safety & traffic patrols.</p>	<p>CHP’s primary responsibility is safety. BAIFA contracts with CHP to enforce express lanes augmenting their baseline staffing levels to ensure there is no reduction in covering CHP’s core roles and responsibilities in express lane corridors. Furthermore, the CHP patrols funded by BAIFA are not solely enforcing the toll policy—they also address safety concerns and violations of state traffic laws in the corridor as well.</p>
<p>Process Questions (1) – A commenter asked for more outreach, noting that they had not heard about the amendment until very recently.</p>	<p>BAIFA appreciates this feedback and will review the performance of the outreach efforts that we conducted this year and look for opportunities to improve.</p>

Next Steps:

BAIFA can choose to accept the proposed amendments, modify the amendment language, or choose not to move forward with the amendment. Staff is recommending that this Committee refer the proposed toll ordinance amendments (shown in Attachment A) to the Authority for adoption at its next meeting on June 25, 2025. If adopted, the amended and restated toll ordinance will become effective 30 days later.

If no action is taken, BAIFA will not be able to advance multiple planned efforts including the start of tolling operations of its new express lanes on I-80 in Solano County, extension of the Express Lanes STARTSM pilot, or changing the zone boundaries on I-680 to align with changes in partner agency express lanes.

Issues:

None identified.

Recommendations:

Staff recommends that the BAIFA Network and Operations Committee refer the proposed toll ordinance amendment to the Authority for adoption.

Attachments:

- Attachment A: Proposed BAIFA Amended and Restated Toll Facility Ordinance (with tracked changes shown)
- Attachment B: Presentation



Andrew B. Fremier