

**Metropolitan Transportation Commission and Association of Bay Area Governments
Joint MTC ABAG Legislation Committee**

May 10, 2024

Agenda Item 3b

**Assembly Bill 2645 (Lackey): Electronic Toll Collection Systems: Information Sharing with
Law Enforcement for Emergency Alerts**

Subject:

Requires toll agencies to notify law enforcement when a vehicle with a license plate associated with an emergency alert is identified in a toll system.

Background:

Current law generally prohibits toll agencies from sharing personally identifiable information, including license plate information and travel pattern data, with law enforcement agencies unless the request is subject to a search warrant. Assembly Bill (AB) 2645 (Lackey) would provide a new exception by requiring that toll agencies provide the location and time a vehicle used a toll facility to the California Highway Patrol (CHP) and the law enforcement agency that requested the emergency alert within a “reasonable time frame” upon identifying the vehicle with the license plate number. The intent of the bill is to allow law enforcement to swiftly identify and intercept suspect vehicles, increasing the chance of rescuing an abducted child or finding other individuals subject to an alert.

The bill further requires CHP, in consultation with toll agencies, to develop a standard protocol regarding the notification of law enforcement after activation of an emergency alert, including how the transportation agencies will receive notifications of the initiation and conclusions of alerts and report any notifications to law enforcement agency.

Recommendation:

Oppose unless Amended / MTC Commission Approval

Discussion:

The rationale for AB 2645 is the laudable goal of improving the response time to emergency alerts that include a license plate number. While the Bay Area Toll Authority (BATA) toll system could provide some license-plate data in response to emergency alerts, we could not do so in a comprehensive and timely manner. Currently, BATA’s toll collection system identifies only about a quarter of license plates using the BATA toll bridges in close to “real time” (about 30 minutes to one hour). This is because the BATA toll system discards license plate images for

tag-based transactions and they constitute about half of all toll transactions. For license plate-based transactions, about half are available within about 30 minutes to an hour, but the other half require manual image review which can take up to seven days.

While the Bay Area Express Lanes operated by the Bay Area Infrastructure Financing Authority (BAIFA) capture license plate images for all transactions, many also require manual review. Additionally, the Express Lanes Toll Collection System is built in such a way that conducting a query for a particular license plate can only be conducted by BAIFA staff for specific, short time intervals, undermining the ability of BAIFA to be responsive to a general license plate identification request.

While staff are not opposed to the use of license plate data obtained through toll collection to assist in the identification of vehicles associated with an emergency alert, as written we are concerned that the bill sets unrealistic expectations about the usefulness of the information that could be provided given the current limitations of BATA and BAIFA's toll collection systems. Additionally, the bill would constitute a significant unfunded mandate, increasing workload that would be funded by toll revenue despite the core objective being one of public safety. Staff is participating in meetings of the California Toll Operators Committee on the legislation and have reached out to the author to express our concerns. We recommend an "oppose unless amended" position on the bill to facilitate productive negotiations as the bill moves to the Senate. AB 2645 passed the Assembly Transportation Committee and Assembly Public Safety Committee without any "no" votes. It has extensive law enforcement support and no known opposition at this time.

Known Positions:

See Attachment A

Attachments:

- Attachment A: Assembly Bill 2645 (Lackey) Known Positions as of 4/19/2024.



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