

Bay Area Infrastructure Financing Authority
Network and Operations Committee

May 9, 2025

Agenda Item 5a

**Public Hearing: Proposed Amendment to Bay Area Infrastructure Financing Authority
Toll Facility Ordinance dated July 27, 2016 (as amended and restated January 22, 2020,
September 23, 2020 and June 22, 2022)**

Subject:

A public hearing on proposed changes to BAIFA's Toll Facility Ordinance to apply BAIFA's toll policy to new Express Lanes on Interstate 80 (I-80) in Solano County, to allow pilots to be extended beyond three years in certain circumstances and test alternative hours and days of operation, to increase the minimum toll per zone, to clarify the potential end date for the Clean Air Vehicle discount, and to adjust the boundaries of the toll zones on southbound Interstate 680 (I-680). The planned date for BAIFA adoption is June 25, 2025.

Background:

The BAIFA toll facility ordinance is the legal document that specifies tolling rules and violation enforcement practices on BAIFA's Express Lanes. As required by 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.

In March 2025, staff presented the outline of a toll ordinance amendment that would make five key changes to the toll ordinance to the BAIFA Network and Operations Committee (NOC) and MTC Policy Advisory Council. In April 2025, staff promoted the opportunity for public comment on the proposed amendment (including in Spanish and Chinese) through newspaper public notices, an MTC press release, information on the MTC and 511 websites, and a paid social media campaign. This toll ordinance amendment anticipates the introduction of Express Lanes in Solano County for the first time. Among Solano County households that do not speak English well, Tagalog is the second most common non-English language after Spanish, so the paid social media campaign also included digital ads in Tagalog to help reach this community. Fact sheets were prepared in five languages: English, Spanish, Chinese, Tagalog, and Vietnamese. Additional outreach included working with one of our partner community-based

organizations in Solano County to help raise awareness of the public comment period and hosting a public webinar on April 23, 2025 to answer questions about the toll facility ordinance and the amendment process.

At the BAIFA NOC meeting on May 9, 2025, staff will give a short presentation, and the Committee will hold a public hearing, so that members of the public can provide additional feedback on the proposed toll ordinance changes remotely or in person (refer to Attachment A for the staff presentation). As shown via redline edits in Attachment B, the proposed amendment makes 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 tolling on I-80 Express Lanes. Individual pilots 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.

Public Comment:

Consistent with the toll ordinance amendment that added the north segment on I-680 to the express lanes network, BAIFA has received relatively little public comment. To date, most of the comments centered on concerns about the costs and fairness of tolling. This has been a common theme in past rounds of toll ordinance amendments as well. For example, equity and cost concerns were raised in 2020 during the amendments that added the I-880 corridor and the northern extension on I-680. This input is a primary reason BAIFA developed its Express Lanes STARTSM pilot program of discounted tolls for low-income residents on I-880; staff are working on efforts to potentially expand the pilot to the new I-80 corridor in Solano County as well. BAIFA has also taken other steps to lessen cost burdens for express lane users, including reducing violation penalties, participating in the low-income toll payment plan, and supporting the Bay Area Toll Authority Equity Action Plan.

In past amendment cycles, other themes have reflected concerns about merging, access, and safety of express lanes that use double-white lines to restrict access at certain locations. The lane design on I-80 in Solano County does not have any access restrictions. Past rounds of public comments have also focused on concerns about enforcement and cheating. BAIFA recently completed the initial pilot of an app-based occupancy verification system that could provide affirmative confirmation of HOV status. Staff are currently evaluating potential next steps for

testing apps and other new technologies that can supplement traditional CHP enforcement patrols.

At the June 13, 2025 meeting of the BAIFA Network and Operations Committee, staff will present a summary of all public comments received during the public comment period and public hearing and the Committee will consider whether to recommend that BAIFA adopt the proposed amended and restated Toll Facility Ordinance (refer to Attachment B for the detailed text of the proposed amendment).

Issues:

None identified.

Recommendations:

This item is provided for information only in anticipation of the public hearing on the proposed amended and restated Toll Facility Ordinance.

Attachments:

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



Andrew B. Fremier