

**San Mateo County Express Lanes Joint Powers Authority
(SMCEL-JPA)
Board of Directors Meeting Notice**

Meeting No. 23

DATE: Friday, May 14, 2021

TIME: 9:00 A.M.

Join by Zoom:

<https://us02web.zoom.us/j/87167137538?pwd=VUc2d1lnWTlmV1ljTVNoNINweE1kUT09>

Meeting ID: 871 6713 7538

Password: 513121

Join by Phone:

(669) 900-6833

Meeting ID: 871 6713 7538

Board of Directors: Don Horsley (Chair), Diane Papan (Vice Chair), Alicia Aguirre, Emily Beach, Maryann Moise Derwin, and Rico Medina

On March 17, 2020, the Governor issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings telephonically or by other electronic means. Thus, pursuant to Executive Order N-29-20, local and statewide health orders, and the CDC's social distancing guidelines, which discourage large public gatherings, SMCEL-JPA meetings will be conducted via remote conferencing only (no physical location). Members of the public may observe or participate in the meeting remotely via one of the options above.

Persons who wish to address the SMCEL-JPA Board on an item to be considered at this meeting, or on items not on this agenda, are asked to submit written comments to mguilles@smcgov.org. Spoken public comments will also be accepted during the meeting through Zoom. Please see instructions for written and spoken public comments at the end of this agenda.

- 1.0 CALL TO ORDER/ ROLL CALL
- 2.0 BRIEF OVERVIEW OF TELECONFERENCE MEETING PROCEDURES
- 3.0 PUBLIC COMMENT

Note: Public comment is limited to two minutes per speaker. Public comment permitted

on both items on the agenda and items not on the agenda.

4.0 APPROVAL OF CONSENT AGENDA

This item is to set the final consent and regular agenda, and to approve the items listed on the consent agenda. All items on the consent agenda are approved by one action. There will be no separate discussion on these items unless members of the Board, staff or public request specific items to be removed for separate action.

4.1 Approval of the minutes of Board of Directors regular business meeting No. 22 dated April 9, 2021. ACTION p. 1

4.2 Accept the Sources and Uses of Funds for the FY21 Period Ending March 31, 2021. ACTION p. 9

5.0 REGULAR AGENDA

5.1 Receive a presentation on the San Mateo County US 101 Express Lane Equity Study and approve by motion the Recommended Equity Program. ACTION p. 11

5.2 Public Hearing: Introduce an Ordinance for the Administration of Tolls and Enforcement of Toll Violations for the San Mateo County US 101 Express Lanes, and waive the reading of the Ordinance. ACTION p. 40

6.0 REPORTS

- a) Chairperson Report.
- b) Member Communication.
- c) Executive Council Report - Executive Council Verbal Report.
- d) Policy/Program Manager Report.

7.0 WRITTEN COMMUNICATIONS

None.

8.0 NEXT REGULAR MEETING

June 11, 2021

9.0 ADJOURNMENT

PUBLIC NOTICING: All notices of San Mateo County Express Lanes Joint Powers Authority Regular Board meetings, standing committee meetings, and special meetings will be posted at the San Mateo County Transit District Office, 1250 San Carlos Ave., San Carlos, CA.

PUBLIC RECORDS: Public records that relate to any item on the open session agenda for a regular Board meeting, standing committee meeting, or special meeting are available for public inspection. Those public records that are distributed less than 72 hours prior to a regular Board meeting are available for

public inspection at the same time they are distributed to all members, or a majority of the members, of the Board. The Board has designated the location of 555 County Center, 5th Floor, Redwood City, CA 94063, for the purpose of making public records available for inspection. Please note this location is temporarily closed to the public; please contact Mima Guilles at mguilles@smcgov.org to arrange for inspection of public records.

PUBLIC PARTICIPATION: Please refer to the first page of this agenda for instructions on how to participate in the meeting. Persons with disabilities who require auxiliary aids or services in attending and participating in this meeting should contact Mima Guilles at (650) 599-1406, five working days prior to the meeting date.

Written comments should be emailed in advance of the meeting. Please read the following instructions carefully:

1. Your written comment should be emailed to mguilles@smcgov.org.
2. Your email should include the specific agenda item on which you are commenting or note that your comment concerns an item that is not on the agenda.
3. Members of the public are limited to one comment per agenda item.
4. The length of the emailed comment should be commensurate with the two minutes customarily allowed for verbal comments, which is approximately 250-300 words.
5. If your emailed comment is received at least 2 hours prior to the meeting, it will be provided to the SMCEL-JPA Board members and read aloud by SMCEL-JPA staff during the meeting. We cannot guarantee that emails received less than 2 hours before the meeting will be read during the meeting, but such emails will be included in the administrative record of the meeting.

Spoken comments will be accepted during the meeting through Zoom. Please read the following instructions carefully:

1. The SMCEL-JPA Board meeting may be accessed through Zoom at the online location indicated at the top of this agenda.
2. You may download the Zoom client or connect to the meeting using an internet browser. If using your browser, make sure you are using a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.
3. You will be asked to enter an email address and name. We request that you identify yourself by your name as this will be visible online and will be used to notify you that it is your turn to speak.
4. When the SMCEL-JPA Clerk or Chair call for the item on which you wish to speak, click on “raise hand” and if you joined the meeting by phone, dial *9 to raise your hand. The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called on to speak.
5. When called, please limit your remarks to the time allotted.

If you have any questions about this agenda, please contact:

Mima Guilles, Secretary - (650) 599-1406

San Mateo County Express Lanes Joint Powers Authority Board of Directors Meeting Minutes

Meeting No. 22
April 9, 2021

In compliance with Governor’s Executive Order N-29-20, and pursuant to the Shelter-in-Place Order issued by the San Mateo County Health Officer, this meeting was conducted via remote conferencing.

Board of Directors: Don Horsley (Chair), Diane Papan (Vice Chair), Alicia Aguirre, Emily Beach, Maryann Moise Derwin, and Rico Medina

1.0 CALL TO ORDER/ ROLL CALL

Chair Horsley called the meeting to order at 9:00 a.m. Roll call was taken.

Members Present:

C/CAG Members:

Diane Papan, Maryann Moise Derwin, Alicia Aguirre (departed 10:38 a.m.)

SMCTA Members:

Don Horsley, Rico Medina, Emily Beach

Members Absent:

None

Staff Present:

Sandy Wong – Executive Council

Jim Hartnett – Executive Council

Mima Guilles – Secretary

Tim Fox – Legal Counsel

Matthew Click – Program/Policy Manager (PPM) for SMCEL-JPA, HNTB

Sean Charpentier, Van Ocampo – C/CAG staff supporting SMCEL-JPA

April Chan, Derek Hansel, Joe Hurley, Jessica Epstein, Jayden Sangha, Jeremy Lipps – SMCTA staff supporting SMCEL-JPA

Other members of staff and the public were in attendance.

2.0 BRIEF OVERVIEW OF TELECONFERENCE MEETING PROCEDURES

Mima Guilles, Clerk of the Board, provided an overview of the teleconference meeting procedures.

3.0 PUBLIC COMMENT

Note: Public comment is limited to two minutes per speaker. Public comment permitted

on both items on the agenda and items not on the agenda.

Drew, a member of the Public, noted that he had comments on Consent Item 4.1.

4.0 APPROVAL OF CONSENT AGENDA

This item is to set the final consent and regular agenda, and to approve the items listed on the consent agenda. All items on the consent agenda are approved by one action. There will be no separate discussion on these items unless members of the Board, staff or public request specific items to be removed for separate action.

Drew, a member of the public, asked for a correction to Item 4.1, the Minutes of the March 12, 2021 meeting. He noted that #5.1 should be corrected to change “bypass” to “FivePaths.”

4.1 Approval of the minutes of regular business meeting No. 21 dated March 12, 2021, amended to reflect correction to minutes to replace “bypass” with “FivePaths.” APPROVED

4.2 Accept the Sources and Uses of Funds for the FY21 Period Ending February 28, 2021. APPROVED

4.3 Review and approval of Resolution SMCEL 21-03 approving TA Vendor Contract Supplement with FivePaths, LLC not to exceed \$56,000 to conduct a brand environment analysis and create logos for the SMCEL JPA. APPROVED

Director Medina MOVED to approve amended item 4.1. Director Aguirre SECONDED. Roll call was taken. **MOTION CARRIED 6-0-0**

5.0 REGULAR AGENDA

5.1 Review, accept, and enter into the record the presentation providing an update on the Use of Proceeds Related 2020 Subordinate Sales Tax Revenue Variable Rate Demand Bonds for San Mateo County Transportation Authority. APPROVED

Jayden Sangha, Treasury Manager for the SMCEL-JPA, gave a presentation on the update on the Use of Proceeds Related 2020 Subordinate Sales Tax Revenue Variable Rate Demand Bonds.

Derek Hansel provided additional detail on the structure and rate situation.

Vice Chair Papan asked why the Credit Enhancement fee was prepaid and did it, come out bond proceeds

Derek Hansel responded that it was consistent with terms of loan agreement which requires the set aside of Credit Enhancement Fee into the fund and will be paid to the SMCTA as it accrues.

Director Beach commented that she heard the similarities at the previous TA Board meeting and asked Derek to share some of the information.

Director Beach asked staff for additional information related to the financial benefits of utilizing this funding structure.

Derek Hansel provided additional details regarding the existing loan rate structure and the credit and financing challenges that the SMCEL-JPA might have faced had it secured the funding in the private financial market.

Vice Chair Diane Papan noted that this is one of the few transportation projects that has the ability to repay the SMCTA,

Jim Hartnett noted that the approved construction budget for the Express Lane project included a portion of the funding from future toll revenues.

Director Beach MOVED approval of items 5.1. Director Medina SECONDED. Roll call was taken. **MOTION CARRIED 6-0-0**

- 5.2 Discuss and provide direction on the option of requesting that the SMCTA apply the US-101 Express Lanes Project Loan Enhancement Rate of 0.4% towards the SMCEL-JPA Equity Program. APPROVED

Sean Charpentier gave a brief staff overview on Loan Agreement, the 0.4% Credit Enhancement, and the \$1 million in one-time funding and the \$600,000 per year for the Equity Program.

Vice Chair Papan said that the Equity Study has indicated there is a significant demand and limited amount of money for equity and limited impact. This agenda item is to extend an invite to the SMCTA to join us in creating a more robust program by applying a Credit Enhancement Fee to the equity program. The idea is to have the SMCEL-JPA extend an invitation to the SMCTA board to earmark the Credit Enhancement Fee for the cash on Clipper Card option, which would support the local transit agencies and enhance equity program. Would like to see what other SMCEL-JPA Board members think.

Jim Hartnett said that he would characterize the request as an amendment of the Loan Agreement, which he would characterize as a pro-equity loan agreement. The Loan Agreement constrains the SMCTA's ability to invest elsewhere in the County.

Director Aguirre appreciates all the collective effort to get to where we are today and noted that what we are trying to do is to enhance the equity program to the best of our ability.

Director Beach thanked everybody for their input and asked staff about why the \$100 million to the project was structured as a loan and not a grant, and what are the other sources of revenue for the equity program.

April Chan responded that it was structured as a loan rather than a grant because there are significant funding needs for other highway projects in San Mateo County, and if it were a grant it would reduce the funding available for other highway projects in the County. And unlike other highway projects in the County, this project generates revenues. Other sources of equity funding that the SMCEL-JPA could potentially tap into for equity projects would be future net toll revenues. And there are other grant programs from the SMCTA, including the TDM/Alternative Congestion Relief category; grant programs are subject to call-for-projects process.

Jim Hartnett added that there are multiple programs and discounts that support equity throughout the County, including the transit services that is provided by the San Mateo County Transit District.

Director Derwin noted that C/CAG has always prioritized equity related to the Express Lanes, and equity featured prominently in the State of Transportation speech given by Jim Hartnett.

Chair Horsley expressed that it was early to have this discussion because the lanes are not open, and we do not know what amount revenues that will be generated.

Gina Papan, member of the public and MTC Commissioner, noted that her understanding of the request was not to change the Loan Agreement, but a request for elected officials to enhance the equity program. Encouraged the Board to pass this request on to the SMCTA.

Vice Chair Papan thanked everybody for their comments, and noted that there is no dispute about the need for a Loan, and that she was not asking for an amendment to the Loan Agreement. What is being proposed is asking the SMCTA Board to dedicate the \$400,000 Credit Enhancement to the Equity Program.

Director Medina expressed appreciation for the discussion and comments, and agrees that equity is essential, and noted that it is premature to proceed at this moment.

Director Derwin noted that the request is for the SMCTA to consider using the Credit Enhancement to enhance the Equity Program.

Director Beach expressed pride for both organizations for having a Loan Agreement that includes equity, which would not be available if funding were secured through the private market. SMCTA is balancing this conversation with funding other projects throughout the County. The SMCEL-JPA will have to address the policy question about how it is going to allocate the net toll revenues.

Director Aguirre noted that the available funding felt very limited and was looking for what else we can do to support equity.

Vice Chair Papan MOVED to send a letter requesting the SMCTA Board agendize the consideration of applying the US-101 Express Lanes Project Loan Enhancement Rate (fee) to the San Mateo County Express Lanes JPA Equity Program.

Director Aguirre SECONDED.

Director Beach requested clarification if the motion were an invitation to agendize and discuss the matter or a request to take a specific action.

Vice Chair Papan confirmed that it was a request for the SMCTA Board to consider the request.

Roll call was taken. **MOTION CARRIED 4-2-0.** Director Horsley and Director Medina opposed.

- 5.3 Review and approval of Resolution SMCEL 21-04 approving Master Agreement with the City/County Association of Governments of San Mateo County (C/CAG) for vendor services in support of the San Mateo County Express Lanes Joint Powers Authority. APPROVED

Sean Charpentier gave a brief overview of the Master Agreement with the City/County Association of Governments of San Mateo County (C/CAG) for vendor services in support of the San Mateo County Express Lanes Joint Powers Authority.

Director Papan MOVED approval of items 5.3. Director Derwin SECONDED. Roll call was taken. **MOTION CARRIED 6-0-0**

- 5.4 Review and approval of Resolution SMCEL 21-05 deferring the review of staffing structure as required by Joint Exercise of Powers Agreement. APPROVED

Sandy Wong, Executive Council, gave a staff presentation on the recommendation to defer the review of staffing structure as required by Joint Exercise of Powers Agreement and requested the Board to approve Resolution SMCEL 21-05.

Director Aguirre MOVED approval of items 5.4. Director Medina SECONDED. Roll call was taken. **MOTION CARRIED 6-0-0**

- 5.5 Receive presentation and provide direction, by motion, on the Clean Air Vehicle Toll Discount to be included in the Public Draft Toll Ordinance.

INFORMATION

The Board received a presentation from Matt Click on the Clean Air Vehicle Toll (CAV) Discount to be included in the Public Draft Toll Ordinance.

Matt Click summarized the PPM's actions over the last month to investigate CAV data and have follow-on conversations with other express lane operators in the region; reported that regional partners did not favor changing the CAV discount right now but were committed to developing a region wide "step-down" plan to reduce the CAV discount between now and 2025 when they the CAV discount is currently set to expire.

Matt Click recommended keeping the CAV discount at 50% for now and working with regional express lane operating partners on a defined plan and timeline to step-down the CAV discount.

Stephen Wolf, Assistant Director of the Express Lanes program at MTC, expressed his support for staff recommendation that the Express lanes open with a matching CAV discount to other corridors, which would be a consistent message to customers. He also confirmed that MTC and other operators would work with the SMCEL-JPA to make a seamless transition to a new discount.

Member of the Public and MTC Commissioner Gina Papan expressed two main points, first that it would be helpful to gather data first on the impact of a 50% CAV discount to determine who is using the lanes and if it does cause crowding in the lane; and second, to have consistent standards with the other express lane operators. She also noted that MTC and other operators would be looking closely at this issue if the data indicated that the discount level was crowding the lane and how it could be adjusted.

Director Beach asked if there were interest from the VTA and SFCTA with adjusting the CAV discount on the US 101 Corridor first.

Stephen Wolf from the MTC indicated that there was an acceptance from regional partners to evaluate the timeline for stepping down from the 50% CAV in time for the opening of the second segment of US 101 Express Lane.

Director Beach asked if the number of CAVs caused operational problems (pre Covid) for the VTA.

Matt Click acknowledged that there was anecdotal information the VTA did have times where express lanes were shifted to operating at HOV only to maintain performance requirements, however there was not definitive information about the vehicle mixture causing the degradation of performance.

Vice Chair Papan clarified that current State Law requires toll lanes to provide some CAV discount, until the Statute expires in 2025.

Member of the Public and MTC Commissioner Gina Papan expressed support for consistency in messaging prior to the opening of the Express Lanes.

Director Beach suggested establishing a vision statement that the SMCEL-JPA is going to move faster than 2025 and set a clear vision that we will step down and reduce the CAV discount by the time we open the second segment.

Director Medina supports opening the first segment with regional consistency and having a timeframe for reducing the CAV that is earlier than 2025.

Vice Chair Papan MOVED to direct staff to prepare an ordinance that would give CAV a 50% discount in the lane, including a sunset provision related to the opening of the second segment and noting that we reserve the right to adjust the CAV discount earlier based on the available data. Director Beach SECONDED. Roll call was taken. **MOTION CARRIED 5-0-0.** (Director Aguirre not present.)

5.6 Receive a presentation on the draft SMCEL-JPA Website Design.

INFORMATION

The Board received a presentation from Jeremy Lipps on the draft SMCEL-JPA website design.

Director Beach asked if videos from past can be uploaded to the new website. Jeremy responded yes. Director Beach added if there is capacity to add a two-minute video to show an overview on how you drive in and out of lanes. She also noted to have other languages and to have in the FAQ the different price options.

Director Medina commented that a short video would help and for additional information you can shift them to Q&A

Chair Horsley commented if Cantonese and Mandarin use the same written language and can Tagalog be added as another language. April noted that her team will look into the Tagalog language and also added that both Cantonese and Mandarin uses the same languages character.

6.0 REPORTS

a) Chairperson Report.

None.

b) Member Communication.

None.

c) Executive Council Report - Executive Council Verbal Report.

Sandy Wong congratulated Jim Harnett on his retirement and thanked him for his leadership and all his hard work throughout San Mateo County.

Jim Harnett thanked the Board and staff for being a part of the JPA Board and was a pleasure to serve.

Chair Horsley thanked Jim Harnett for his transformational leadership and superb public servant.

d) Policy/Program Manager Report.

Matt Click noted that they will be bringing forward a recommended preferred alternative for the equity program next May Board meeting.

7.0 WRITTEN COMMUNICATIONS

None.

8.0 NEXT REGULAR MEETING

May 14, 2021

ADJOURNMENT – 11:22 a.m.

San Mateo County Express Lanes Joint Powers Authority Agenda Report

Date: May 14, 2021

To: San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) Board of Directors

From: Executive Council

Subject: Accept the Sources and Uses of Funds for the FY21 Period Ending March 31, 2021
(For further information, contact Derek Hansel, CFO, at 650-508-6466)

RECOMMENDATION

That the SMCEL-JPA Board accept and enter into the record the Sources and Uses of Funds for the FY21 Period Ending March 31, 2021.

The statement columns have been designed to provide year to date current actuals for the current fiscal year and the annual budget for the current fiscal year.

BACKGROUND

Year to Date Sources of Funds: As of March year-to-date, the Total Sources of Funds are \$1,819,576, which represent the loan advances for FY21 under the two operating loan agreements between the SMCEL-JPA, the San Mateo County Transportation Authority, and the City/County Association of Governments.

Year to Date Uses of Funds: As of March year-to-date, the Total Uses of Funds are \$990,571. Major expenses are in Staff Support \$395,055 and Consultant \$446,570.

Budget Amendment:

There are no budget amendments for the month of March 2021.

Other Information:

Loan payables represent loan advance payments received since the formation of the SMCEL-JPA from the San Mateo County Transportation Authority and the City/County Association of Governments. Loan advances will be repaid on a monthly basis and no later than five years after the San Mateo County 101 Express Lanes Project begins operations and receives toll revenues.

ATTACHMENT

1. Sources and Uses of Funds Fiscal Year 2021 (March 2021)

SAN MATEO COUNTY EXPRESS LANE JPA
SOURCES AND USES OF FUNDS
Fiscal Year 2021
March 2021

	ACTUAL		BUDGET	
	As of 3/31/2021		Annual	
SOURCES OF FUNDS:				
1	Advance from the City/County Association of Governments of San Mateo County	\$ 790,792	\$	917,244
2	Advance from the San Mateo County Transportation Authority	1,028,785		1,270,463
3	TOTAL SOURCES OF FUNDS	1,819,576		2,187,707
USES OF FUNDS:				
4	Staff Support	395,055		814,700
5	Administrative Overhead	40,061		53,415
6	Business Travel	-		3,000
7	Office Supplies	-		3,000
8	Printing and Information Svcs	-		5,000
9	Legal Services	18,707		60,000
10	Consultant	446,570		1,171,432
11	Insurance	72,983		-
12	Miscellaneous	17,195		77,160
13	TOTAL USES OF FUNDS	990,571		2,187,707
14	EXCESS (DEFICIT)	\$ 829,006	\$	-
Additional Information:				
	Loan payables to the City/County Association of Governments of San Mateo County	\$ 1,290,447		
	Loan payables to the San Mateo County Transportation Authority	\$ 1,527,541		

San Mateo County Express Lanes Joint Powers Authority Agenda Report

Date: May 14, 2021

To: San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) Board of Directors

From: Matthew Click, Policy and Program Manager (PPM)

Subject: Receive a presentation on the San Mateo County US 101 Express Lane Equity Study and approve by motion the Recommended Equity Program.

(For further information please contact Matthew Click at mclick@hntb.com)

RECOMMENDATION

That the SMCEL-JPA Board receive a presentation on San Mateo County US 101 Express Lane Equity Study and approve by motion the Recommended Equity Program.

FISCAL IMPACT

The Equity Program will be funded from a one-time payment of \$1 million from the US-101 Express Lanes Project Loan, and an annual ongoing funding of \$600,000, to be paid from toll revenues.

SOURCE OF FUNDS

NA

BACKGROUND

The SMCEL-JPA seeks to ensure an equitable implementation of the US 101 Express Lanes. To that end the Board directed, through staff, the PPM to author a scope of work (SOW) for an Equity Study to be conducted for the US 101 Express Lanes and oversee the performance of the Equity Study. The PPM developed the Equity Study SOW, worked with staff to procure a consultant team to perform the study, and collaborated with staff and Arup (selected consultant) throughout the performance of the study.

Arup began the study in May of 2020. During the last year the study included the definition of an equity problem statement and outlined program objectives, it included two phases of robust public engagement, national and local research, and technical analysis. The study included ten preliminary equity program alternatives that were screened down to four for additional public engagement and evaluation to define the preferred Equity Program Alternative to be presented at the May 14, 2021 Board meeting. The presentation in Attachment 1 has more detail on the technical and community engagement process that brought us to this point.

The SMCEL-JPA Board will be asked to make a motion to receive the Recommended Equity Program Alternative and direct the PPM to engage in the development of the Implementation Plan for the preferred Equity Program Alternative.

Recommended preferred Equity Program Alternative

As described in greater detail in the presentation in Attachment 1, the Recommended Equity Program Alternative consists of the following.

1. **Eligibility** - San Mateo County Residents earning up to 200% of the Federal Poverty Level. This is the same income eligibility requirement as the MTC's Clipper START program.
2. **Pre-Loaded Toll Tags** - Provide eligible recipients with a new FasTrak Flex toll tag that has been pre-loaded with \$50 cash value. One-time benefit for eligible households or vehicle owners (exact eligibility to be determined).
3. **Cash on Clipper** - Provide eligible recipients with \$50 cash value on a new or existing Clipper Card. This would be an annual ongoing benefit for eligible individuals.
4. **Enroll qualified individuals in MTC's regional means-based discount programs** -
 - a) Clipper START- existing regional transit fare discount program.
 - b) FasTrak START- Proposed Regional toll discount program that is currently being developed. The timing and the size of discounts and eligibility requirements are still being developed by the MTC.
5. **Provide capacity to local organizations to educate and enroll participants** - Local social service providers and community-based organizations are uniquely positioned to reach targeted populations to ensure they receive these benefits. Resources should be made available to these organizations to conduct Equity Program outreach, education and enrollment.

The Implementation Plan for the preferred Equity Program Alternative to be performed by the PPM will be developed over the Summer of this year. The preferred Equity Program Alternative includes several primary program components for consideration, and these program components each have their own implementation challenges that need to be worked through by the PPM and SMCEL-JPA staff with regional partners. Examples of implementation challenges include:

- Develop income eligibility verification process.
- Contract development and execution with regional partners (if necessary).
- Partnerships and contracts with local social service providers and community-based organizations to provide community outreach, education and enrollment.
- Determination of internal Equity Program staffing needs.
- Develop Equity Program marketing and outreach plan.
- Understand regional transportation software and hardware considerations (e.g. Clipper START and FasTrak START).
- Continue coordination with MTC's "Means Based Tolling Pilot" to determine equity program synergies and timeline.

- Develop a monitoring program and evaluation metrics to determine the effectiveness of the Pilot program, and to make adjustments as needed.

The PPM will provide monthly progress briefings over the Summer on the Equity Program Implementation Plan. It is likely that components of the Equity Program will be implemented in a phased approach. The phasing and timing for the Implementation of the Equity Program will be continuously communicated with the Board as part of the PPM's monthly update.

This the is the first stage of the Equity Program. It is anticipated that it will evolve over time as the Recommended Program is implemented and evaluated, as additional Express Lane revenue becomes available; and after the completion of the MTC's Means Based Toll Pilot.

ATTACHMENTS

1. Presentation San Mateo County 101 Express Lanes Equity Study and Recommended Equity Program



JPA Board Meeting

San Mateo 101 Express Lanes Equity Study

May 14, 2021

Agenda

1. Project Timeline
2. Recap Equity Program Alternatives
3. Stakeholder and Community Feedback
4. Recommended Equity Program
5. Next Steps

Project Timeline

We are here

Description	Summer 2020	Fall 2020	Winter 2020/2021	Spring 2021	Summer 2021
Baseline Conditions and Needs Assessment					
ESAC facilitation	★	★ ★	★ ★	★	
Literature review					
Define equity metrics					
Demographic and travel analysis					
Public engagement (phase I)					
Publish final needs assessment					
Equity Program Recommendation					
Draft & analyze 3-4 equity program alternatives					
Public engagement (phase II)					
Recommend preferred alternative					
Board review and approval					
Develop implementation plan					

Recap: Equity Program Alternatives

Development & Technical Evaluation

Desired Outcomes



Flexible and adaptive to changing needs and feedback.



Encourage mode shift to high-occupancy modes.



Strategies benefit underserved communities who live near or use the lanes.



Supports the Express Lanes benefits and goals (mobility, travel time, and reliability).



Program reflects input from historically marginalized communities.

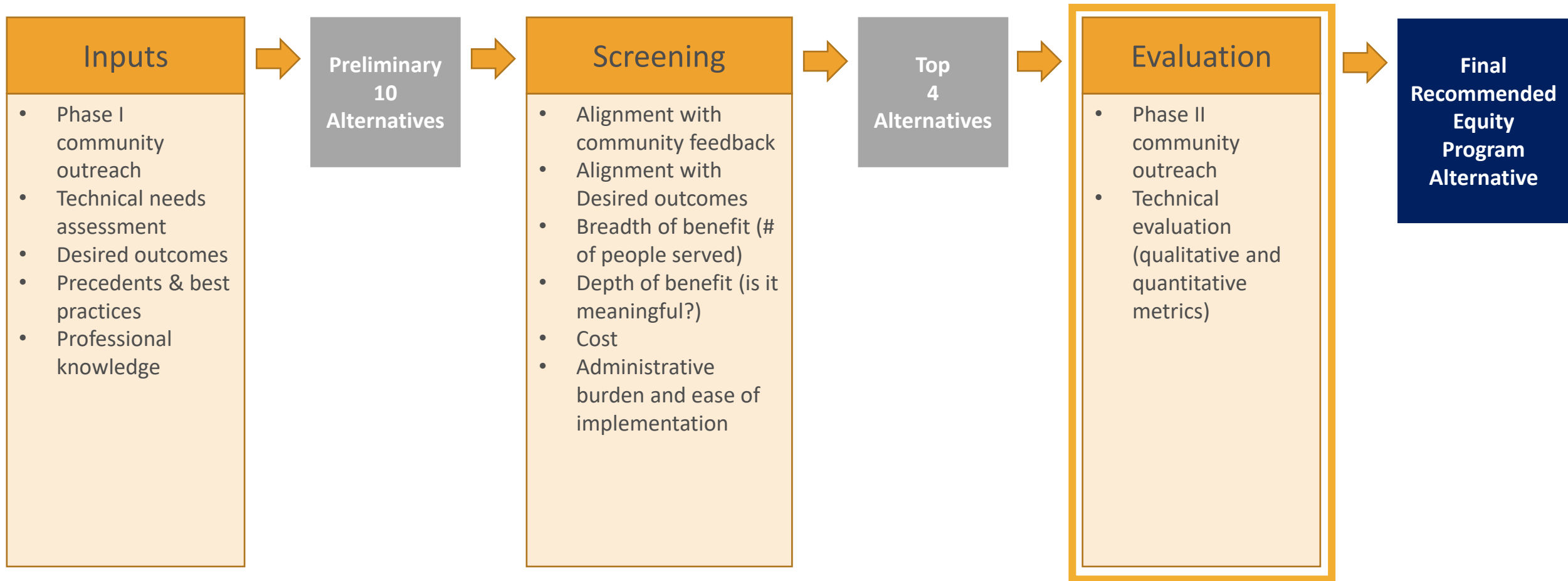


Improve active transportation network adjacent to the corridor.



Strategies are replicable and could be expanded regionally.

Alternatives Development Process



Four Equity Program Alternatives

Alternative 1: Toll Benefit

Pre-loaded \$50 Toll Tags

- Provide one-time benefit of pre-loaded toll tags to eligible households
- \$50 cash benefit plus security deposit
- Toll tags can be reloaded online (with a credit or debit card), by mail, or at cash payment locations

Alternative 2: Transit Benefit

\$50 Cash-On-Clipper Benefit

- Provide \$50 per year to eligible individuals as cash value on a Clipper Card for use on any regional transit service that accepts payment via Clipper

Alternative 3: Place Based Improvements

Biking, Walking, & Transit Safety Improvements

- Build safety improvements in historically disadvantaged communities in San Mateo County on the 101 Corridor
- Example projects: Bike lanes, ADA ramps, new/modified traffic signals, bus shelters, intersection improvements
- Communities could apply for the funding

Alternative 4: Carpool Rewards Program

\$50 Cash Benefit for Carpool Trips

- Provide carpool cash benefit up to \$50 per year for eligible individuals
- Both drivers and passengers eligible

Technical Evaluation Results

Alternative 1 (Toll Benefit)

- Small reduction in household transportation costs for automobile drivers.
- Very minor impact to traffic operations.

Alternative 2 (Cash on Clipper)

- Small reduction in household transportation costs for transit users.
- No impact to traffic operations.

Alternative 3 (Place Based Improvements)

- Provides greater multi modal benefits in some of the 15 Targeted Geographies.
- Level of impact depends on existing conditions in each area and type of investment.
- No impact to traffic operations or household transportation costs.

Alternative 4 (Carpool Rewards Program)

- Small reduction in household transportation costs for carpoolers.
- Helps reduce local traffic volumes by incentivizing shared trips.
- Very minor impact to traffic operations.

Stakeholder and Community Feedback on Alternatives

Phase II Community Engagement
March 2021

Community Feedback Outreach Events

- **Community roadshow**
 - 17 presentations to local boards and commissions
- **Interviews**
 - 10 interviews with a) community members and b) representatives from service providers and community-based organizations
- **Virtual (Zoom) public meeting**
- **Equity Study Advisory Committee (ESAC) workshop**

Community Roadshow Presentations	Date
Commute.org Board of Directors	February 18, 2021
San Mateo Commission on Disabilities Accessible Transportation Committee	February 22, 2021
TEAMC	February 23, 2021
SamTrans Citizen Advisory Committee (CAC)	February 24, 2021
North Fair Oaks Community Council	February 25, 2021
San Mateo County Transportation Authority Citizen Advisory Committee (CAC)	March 2, 2021
San Mateo County Transportation Authority (TA) BOD	March 4, 2021
Central Labor Council	March 8, 2021
SAMCEDA	March 9, 2021
SMC Paratransit Coordinating Council	March 9, 2021
SSF Traffic Safety Commission	March 9, 2021
Redwood City Transportation Committee	March 9, 2021
San Mateo Sustainability & Infrastructure Commission	March 10, 2021
City/County Association of Governments of San Mateo County BOD	March 11, 2021
East Palo Alto Transportation Committee	March 17, 2021
Redwood City Veterans Senior Center	March 24, 2021
Safe Routes to Schools	March 24, 2021

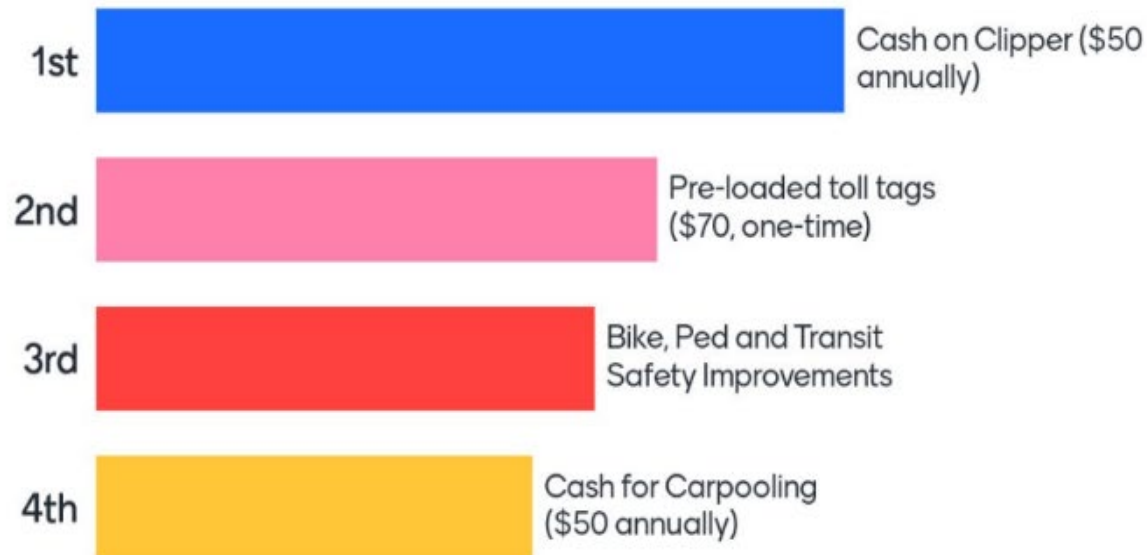
Community Feedback

Key Themes

- Alternatives #1 and #2 received broadest support
 - Mixed feedback on the value of promoting access to the express lanes vs. supporting transit ridership.
 - Some support for a hybrid option between Alternatives #1 and #2
- Strong support for Alternative #3 from some groups/individuals
 - Mixed feedback on the value of direct cash benefits vs. capital improvements
 - Some feel Alternative #3 provides a more meaningful long-term benefit
- Desire for additional funding to provide more substantial benefits
 - Concern that \$50 per benefit is very small
- Multilingual, culturally-sensitive education on the Express Lanes and Pilot Equity Program will be key to successful program implementation

Community Feedback ESAC Workshop Results

Which alternative provides the greatest benefits to targeted communities? Please rank the four alternatives from most beneficial to least beneficial.



Additional ESAC feedback:

- Ensure a low barrier to entry for accessing the benefit
- Other funding sources already exist for Alternative 3
- Prefer direct benefits, such as cash on clipper or pre-loaded toll tags
- Think broadly about mobility in the US 101 corridor and provision of transit along the corridor

Recommended Equity Program

Recommended Equity Program

Four components:

1. Pre-Loaded Toll Tags
2. Cash on Clipper
3. Enroll eligible individuals in Clipper START and FasTrak START
4. Fund local organizations to do education and enrollment

Recommended Equity Program

Eligibility

- We recommend adopting the same eligibility requirements as MTC's Clipper START program
 - Households whose income is less than 200% of the Federal Poverty Level
 - Approximately \$55,000 for a family of four
- Eligibility should be limited to San Mateo County residents.
- Eligible participants receive any combination of Equity Program benefits that meets their needs (eg toll tag + Cash on Clipper + Clipper START enrollment)

Recommended Equity Program

1. Pre-Loaded Toll Tags

- Provide eligible recipients with a new FasTrak Flex toll tag that has been pre-loaded with \$50 cash value.
- One-time benefit for eligible households or vehicle owners (exact eligibility to be determined).
- Recipient could re-load the toll tag with cash once the initial \$50 has been spent or use the FasTrak toll tag to carpool in the Express Lanes for free with 3+ people.



FasTrak CAV Toll Tag



Recommended Equity Program

2. Cash on Clipper

- Provide eligible recipients with \$50 cash value annually on a new or existing Clipper Card.
- Annual benefit for eligible individuals (no limit to # of people per household).
- Recipient receives all the benefits of being in the Clipper system
- In future, the dollar amount and/or frequency should be increased as funding allows.



Recommended Equity Program

3. Enroll eligible individuals in MTC's regional means-based discount programs

Clipper START

- Regional transit fare discount program
- 50% discount for SamTrans and Caltrain
- 20% discount for BART
- + discounts on other Bay Area transit services

FasTrak START

- Currently under development
- Regional toll discount program
- Initial pilot in East Bay
- Details on the size of discounts and eligibility requirements are still being developed



Recommended Equity Program

4. Fund local organizations to do education and enrollment

- Barriers could limit reach and impact of the Pilot Equity Program:
 - Lack of awareness of Pilot Equity Program
 - Limited internet access
 - Limited English proficiency
 - Complicated enrollment process
- Local service providers and community-based organizations are uniquely positioned to reach targeted populations.
- Resources should be made available to conduct Equity Program outreach, education and enrollment.



Alignment with Desired Outcomes

Desired Outcomes:



Flexible and adaptive to changing needs and feedback.



Strategies benefit underserved communities who live near or use the lanes.



Program reflects input from historically marginalized communities.



Strategies are replicable and could be expanded regionally.

Included in Recommended Equity Program?

Yes – Program can be scaled based on user uptake, changing conditions, and community feedback.

Yes – The combined transit and toll lane benefit will provide maximum flexibility for users and is aligned with the mobility needs identified through the Phase I outreach process.

Yes – Program alternatives were designed to respond to Phase I outreach, vetted through Phase II outreach and revised for the final recommended program.

Yes – Leveraging regional programs (Clipper START and FasTrak START) will provide maximum interoperability.

Alignment with Desired Outcomes

Desired Outcomes:



Encourage mode shift to high-occupancy modes.



Supports the Express Lanes benefits and goals (mobility, travel time, and reliability).



Improve active transportation network adjacent to the corridor.

Included in Recommended Equity Program?

Yes – Supports transit and carpool trips. Toll tag is a one-time benefit while transit benefits are ongoing.

Yes – Provides access to the US 101 express lanes and has a negligible impact on travel time and reliability for express lane users.

No – Does not directly improve the quality of the active transportation network adjacent to the corridor.

Implementation Considerations

Anticipated Administrative costs

- Funding for organizations to do to education and enrollment
- Toll tag purchases and deposits
- Program enrollment
- Marketing and education
- Administrative services
- Ongoing policy work and program management

Program Evaluation

- To begin one year after the opening of the second segment

Implementation Considerations

Eligibility and Enrollment Mechanism

- We recommend that the Pilot Equity Program utilize MTC's Clipper START to verify eligibility and enroll participants
- Leveraging this existing regional program will reduce administrative costs and minimize barriers to entry.
- Further coordination is needed with MTC to develop an enrollment plan that also captures vehicle info (for toll tag and FasTrak START benefits). Toll tag benefit will not be available until this enrollment system is operational.

Number of people served

- Based on available funding of \$600,000 per year, the Pilot Equity Program could provide approximately 8,500 to 12,000 benefits annually.
- Some people may receive both Cash on Clipper and Toll Tag benefits, so total individuals served may be lower than total benefits provided.

Implementation Considerations

Strategic Investment Plan

- Identity and prioritize mobility investments for vulnerable communities beyond what can be currently funded through the Pilot Equity Program.

Equity Program Advisory Committee

- Comprised of low-income community members and other key stakeholders
- Provide guidance on program implementation/evaluation and creation of Strategic Investment Plan.

Partnerships and Lessons Learned

- Ongoing partnerships with local and regional agencies
- Capture lessons learned to support implementation of peer programs.

Next Steps

- Develop Equity Program Implementation Plan: *Summer – Fall 2021*
- Phased rollout of Equity Program: Exact timing TBD

Thank you!

San Mateo County Express Lanes Joint Powers Authority Agenda Report

Date: May 14, 2021

To: San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) Board of Directors

From: Matthew Click, Policy and Program Manager (PPM)

Subject: Public Hearing: Introduce an Ordinance for the Administration of Tolls and Enforcement of Toll Violations for the San Mateo County US 101 Express Lanes, and waive the reading of the Ordinance.

(For further information please contact Matthew Click at mclick@hntb.com)

RECOMMENDATION

That the SMCEL-JPA Board conduct a Public Hearing, introduce an Ordinance for the Administration of Tolls and Enforcement of Toll Violations for the San Mateo County US 101 Express Lanes, and waive the reading of the Ordinance.

FISCAL IMPACT

The recommended Toll Ordinance will provide the authority to collect tolls.

SOURCE OF FUNDS

NA

BACKGROUND

Over the course of 2020 and 2021, the PPM has conducted several workshops with SMCEL-JPA staff and provided a series of board presentations to work through various tolling policies to be implemented on the US 101 express lanes project. These workshops and presentations began with informational content to orient staff and the board to the various areas of toll policy and options for consideration under each area of toll policy.

At the regularly scheduled meeting of the Board on March 9th, 2021 a final toll policy presentation was given by the PPM on various toll policies for consideration and eventual adoption.

The PPM made recommendations in that presentation on numerous policies to be incorporated into the Toll Ordinance scheduled for adoption by the Board in the Summer of 2021. The Board generally accepted those recommendations and directed the preparation of a draft ordinance reflecting the policies as proposed.

One area which generated substantial Board discussion was the issue of what the pricing policy would be for clean air vehicles (CAVs). Currently, express lane operators in the Bay Area provide CAVs with a 50% toll discount off the full toll paid by single occupant vehicles. The PPM recommended a 50% discount for CAVs as part of their overall toll policy recommendations. The Board's discussion made clear that a 50% CAV toll discount was not a desirable policy due to concerns about the equities of providing a discount to generally wealthier motorists.

Upon Board direction the PPM performed further fact-finding activities by meeting with other regional express lane operators, as well as Peninsula Clean Energy (PCE). The PPM provided an update to the Board at their April 9th, 2021 Board Meeting. The PPM recommended an initial lane operation period in which the SMCEL-JPA would adopt a toll policy that is consistent with the region and providing a CAV discount of 50% in line with other express lane operators.

The Board agreed to use the 50% CAV discount in alignment with regional peers with the direction that the PPM and SMCEL-JPA staff should work with our regional express lane operators to provide a plan back to the Board prior to the opening of the Northern Section of the US 101 Express Lanes on how the amount of the CAV discount will be reduced below 50% and a timeline for doing so before the CAV discount expires under California and federal law in 2025. This plan is known as the "CAV Discount Step-Down Plan." Section 10 of the Ordinance provides the authority for the SMCEL-JPA Board of Directors to amend the CAV Discount by resolution.

The toll policy presentations and the toll policy recommendations by the PPM and SMCEL-JPA staff culminate in the eventual adoption of a Toll Ordinance by the SMCEL-JPA Board. The adoption of a Toll Ordinance allows the SMCEL-JPA to collect tolls and enact toll evasion violation penalties on the US 101 Express Lanes.

The adoption of the Toll Ordinance begins with the Introduction the Ordinance at a public hearing (the May 14, 2021 SMCEL-JPA Board Meeting), is followed by the second reading and adoption by resolution at the June 11, 2021 SMCEL-JPA Meeting. The Ordinance then becomes effective 30 days later.

Today's agenda item consists of a Public Hearing, a recommended motion to introduce the Toll Ordinance followed by Board Discussion. No Board Action toward adoption is required today. The notice of this Public Hearing was published in local newspapers pursuant to statutory noticing requirements.

ATTACHMENTS

1. Toll Ordinance

**SAN MATEO COUNTY EXPRESS LANES JOINT POWERS AUTHORITY
TOLL FACILITY ORDINANCE**

[DATE]

PREAMBLE

The San Mateo County Express Lanes Joint Powers Authority (referred to herein as “SMCELJPA”), was granted approval by the California Transportation Commission (CTC) pursuant to California Streets and Highways Code section 149.7, as amended by Assembly Bill (AB)194 to build, own, administer and operate high-occupancy toll lanes or other toll facilities, including the administration and operation of a value pricing program and exclusive or preferential lane facilities for public transit, on US 101 between Interstate 380 and the Santa Clara/San Mateo County line.

While traveling in San Mateo County US 101 Express Lanes, motorists are required to have a valid FasTrak® Account with a balance sufficient to pay the applicable Toll to facilitate vehicle occupancy validation and the Toll collection process pursuant to California Vehicle Code (“Code”) Section 23302 et seq., and California Streets and Highways Code Section 149.6(b). Code Section 23302.5 provides that it is unlawful for a person to evade or attempt to evade the payment of tolls or other charges on any vehicular crossing or toll highway, and further provides that such acts are subject to civil penalties. Code Division 17, Chapter 1, Article 4, commencing with section 40250 ("Article 4"), provides for enforcement of civil penalties for violation of Code Section 23302.5 and any ordinance enacted by local authorities pursuant to civil administrative procedures set forth in Article 4. This Ordinance establishes the administrative procedures and penalties, enacted pursuant to Article 4, to ensure that motorists who evade the payment of Tolls while travelling on San Mateo County US 101 Express Lanes shall be subject to civil penalties, while ensuring fairness in the treatment of violators.

Now, therefore, the SMCELJPA, ordains as follows:

Section 1. Purpose.

The purpose of this ordinance is to establish tolls and a toll collection process for the SMCELJPA toll facilities on US 101 between Interstate 380 and the San Mateo/Santa Clara county line, to establish civil penalties for the evasion of those tolls or noncompliance with other policies set forth in this ordinance, and to establish a program that addresses how motorists can enroll and participate in SMCELJPA’s toll facility program.

Section 2. Scope.

Every motorist entering a SMCELJPA toll facility shall be subject to and must abide by this ordinance.

Section 3. Definitions.

These definitions apply to this ordinance. Unless specifically defined below, the words and phrases used in this ordinance shall have the same meaning as they have in common usage. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular

number include the plural number. The words “shall” and “must” are always mandatory and not merely directive.

“Applicable toll” means the toll for a vehicle entering a SMCELJPA toll facility established by this ordinance as determined from information collected by the FasTrak[®] system at the time the vehicle enters the SMCELJPA toll facility, including Discounts for which the motorist is then eligible.

“Authorized emergency vehicle” means a vehicle satisfying all of the conditions specified in Vehicle Code section 21655.5 or section 23301.5 for an exemption from paying a toll on a SMCELJPA toll facility.

“BATA” means the Bay Area Toll Authority.

“Caltrans” means the State of California Department of Transportation.

“Clean air vehicle” means a motor vehicle described in Section (b)(5) of Section 166 of Title 23 of the United States Code that displays a valid decal, label or other identifier issued pursuant to Vehicle Code Section 5205.5(a).

“CTOC” means the California Toll Operators Committee.

“Discount” means a reduced-rate toll expressed as a percent of the full toll as determined from information collected by the FasTrak[®] system at the time the vehicle enters the SMCELJPA toll facility.

“FasTrak[®]” or “FasTrak[®] system” means the electronic toll collection system administered by BATA for the SMCELJPA toll facilities, as well as the electronic toll collection systems administered by other members of CTOC.

“FasTrak[®] Account” means an account by that name established with BATA or any other CTOC member.

“FasTrak Flex[®] toll tag” means a FasTrak[®] toll tag featuring a switch for indicating the number of occupants in the vehicle.

“FasTrak[®] toll tag” means a FasTrak[®] electronic toll payment device issued by BATA (or any other member of CTOC) that meets the specifications of California Code of Regulations Title 21. “FasTrak[®] toll tag” includes non-revenue FasTrak[®] toll tags and FasTrak Flex[®] toll tags.

“High occupancy vehicle” or “HOV” means a vehicle with the minimum number of occupants specified by SMCELJPA for entering a SMCELJPA toll facility zone as a high occupancy vehicle as set forth in Attachment A to this ordinance and as displayed on SMCELJPA signs and other official signs or traffic control devices.

“HOV 3+” means a high occupancy vehicle requirement of three or more occupants.

“Hours of operation” of a SMCELJPA toll facility zone means the hours when SMCELJPA is

operating the SMCELJPA toll facility on any day within the maximum hours of operation as displayed on SMCELJPA signs and other official signs or traffic control devices. The hours of operation of a SMCELJPA toll facility zone shall not extend beyond the hours when the zone is otherwise restricted to use by high occupancy vehicles.

“Motorist” means the registered owner, rentee, lessee, or driver of a vehicle.

“Non-revenue FasTrak[®] toll tag” means a FasTrak[®] toll tag that does not result in a toll being charged.

“Over-the-road bus serving the public” means a bus that is characterized by an elevated passenger deck located over a baggage compartment and that serves the public.

“Pay-by-plate” means use of on-road vehicle license plate identification recognition technology to accept payment of tolls in accordance with BATA or CTOC policies.

“Penalty” means the monetary amounts assessed as civil penalties for each Violation, including the unpaid tolls and the toll evasion penalty, and shall constitute a toll evasion penalty under Vehicle Code Section 40252.

“Public transportation vehicle” means a public transportation vehicle as defined in Section 166 of Title 23 of the United States Code that meets SMCELJPA’s requirements for identifying public transportation vehicles specified at the SMCELJPA toll facility website.

“San Mateo County US 101 Express Lanes” means any express lane under the jurisdiction of the SMCELJPA on US 101, namely Southbound from Interstate 380 in San Mateo County to the Santa Clara County line, and Northbound from the Santa Clara County line to Interstate 380 in San Mateo County.

“SMCELJPA” means the San Mateo County Express Lanes Joint Powers Authority, a joint exercise of powers agency formed under the California Joint Exercise of Powers Act with jurisdiction over the operation of the SMCELJPA toll facilities.

“SMCELJPA toll facility” means each high occupancy vehicle lane within the geographic jurisdiction of San Mateo County that is operated by SMCELJPA as a toll lane.

“SMCELJPA toll facility website” means the website at www.smcexpresslanes.org or any new or updated website hosted by SMCELJPA exclusively containing information about the San Mateo County US 101 Express Lanes.

“Vehicle” means any device as defined in California Vehicle Code section 670.

“Vehicle Code” means the California Vehicle Code.

“Violation” has the meaning assigned in Section 8.2.

Section 4. Timing.

The tolls and Penalties for Violations imposed by this ordinance shall apply to motorists entering a SMCELJPA toll facility zone from and after the date and time when SMCELJPA opens the SMCELJPA toll facility zone for use by the public as a toll facility.

Section 5. Usage Requirements.

5.1 Every motorist traveling in a SMCELJPA toll facility during its hours of operation is required to be in a vehicle with either (1) a properly-mounted and properly-functioning FasTrak[®] toll tag on board, or (2) valid vehicle license plates properly attached pursuant to Vehicle Code Section 4850.5 or 5200, and, in either case, being associated with a valid FasTrak[®] account having a balance sufficient to pay the applicable toll. Every motorist traveling in a SMCELJPA toll facility during its hours of operation is required to pay the applicable toll using that FasTrak[®] account unless exempt by this ordinance.

5.2 To be “properly-mounted” means that, except as specified in Section 5.3, the FasTrak[®] toll tag shall be located in or on the vehicle in a location so as to be accurately read by the FasTrak[®] system and be visible for the purposes of enforcement at all times while the vehicle is located in the SMCELJPA toll facility.

5.3 A motorcyclist shall use any one of the methods specified in Vehicle Code Section 23302(a)(3) to comply with the requirement to have a properly-mounted FasTrak Flex[®] toll tag, as long as the FasTrak Flex[®] toll tag is able to be read by SMCELJPA’s detection equipment.

5.4 Every motorist entering a SMCELJPA toll facility during its hours of operation and having a FasTrak Flex[®] toll tag must use the toll tag to accurately declare the number of occupants in the vehicle or, if permitted under Section 7, accurately indicate toll-exempt or Discount status.

5.5 A license plate account surcharge as specified in Attachments A and B to this ordinance shall apply to pay-by-plate toll payments.

Section 6. Tolls.

Each motorist entering a SMCELJPA toll facility during its hours of operation who is not entitled to an exemption from tolls under Sections 7.1(B) through (F), inclusive, or Sections 7.4 or 7.5, shall be charged the then-applicable toll. The current tolls upon entering a SMCELJPA toll facility zone or segment shall be displayed on SMCELJPA signs. The tolls adjust dynamically and in real-time to manage congestion to an acceptable level of service. As such, the toll applicable to a motorist entering a SMCELJPA toll facility zone or segment is the toll displayed on the last SMCELJPA pricing sign before such motorist enters the zone or segment. Further, the total toll charged is determined based on the zones or segments of the SMCELJPA toll facility in which such motorist is detected. General information about tolls for SMCELJPA toll facilities is available online at the SMCELJPA toll facility website.

Section 7. Exemptions from Tolls; Discount Tolls.

7.1 The following vehicles are exempt from paying tolls imposed by this ordinance.

- (A) vehicles entering a SMCELJPA toll facility outside the hours of operation of that facility.
- (B) high occupancy vehicles.
- (C) motorcycles.
- (D) public transportation vehicles and over-the-road buses that serve the public.
- (E) California Highway Patrol vehicles policing a SMCELJPA toll facility.
- (F) authorized emergency vehicles.

7.2 To enjoy the exemption from tolls afforded under Section 7.1(B), (C), (D), (E) or (F), every motorist entering a SMCELJPA toll facility during its hours of operation who is entitled to that exemption must use a properly-mounted FasTrak Flex[®] toll tag to accurately indicate a toll- exempt status or follow such other methods for indicating eligibility for exemption as shall be specified by SMCELJPA at the SMCELJPA toll facility website. Otherwise, such motorist entering a SMCELJPA toll facility during its hours of operation shall be charged the applicable toll.

7.3 Motorists having a properly-mounted, non-revenue FasTrak[®] toll tag are exempt from paying tolls and Penalties for Violations imposed by this ordinance.

7.4 Two-occupant vehicles traveling in a HOV 3+ SMCELJPA toll facility shall pay the discounted toll, if any, specified for vehicles with two persons in Attachment A to this ordinance. To be eligible for the discounted toll, two-occupant vehicles must use a properly-mounted FasTrak Flex[®] toll tag to accurately indicate their occupancy status (by switching the tag to the '2' setting) or follow such other methods for indicating eligibility for the discount as shall be specified by SMCELJPA online at the SMCELJPA toll facility website. An exception is for class I vehicles designed by the manufacturer to be occupied by not more than two persons, including the driver; in this case, if the vehicle is occupied by two persons, the vehicle qualifies as toll- exempt, but must use a properly-mounted FasTrak Flex[®] toll tag switched to the '3+' setting or follow such other methods for indicating eligibility for exemption as shall be specified by SMCELJPA at the SMCELJPA toll facility website.

7.5 Motorists driving clean air vehicles shall be eligible to pay a discounted toll, if any, specified for clean air vehicles in Attachment B to this ordinance. Clean air vehicles on all SMCELJPA toll facilities must (i) use a properly mounted FasTrak[®] CAV toll tag accurately declaring the number of occupants in the vehicle (by switching the tag to the '1', '2' or '3+' setting), or (ii) follow such other methods for indicating eligibility for the discount as shall be specified by SMCELJPA online at the SMCELJPA toll facility website.

Section 8. Enforcement and Penalties.

8.1 This ordinance adopts and incorporates by this reference, as though fully set forth herein, the administrative procedures and penalties in Article 4, Chapter 1 of Division 17 of the Vehicle Code as amended from time to time hereafter. The processing of notices of toll evasion violations and notices of delinquent toll evasion violations shall be conducted in accordance with those procedures and penalties by BATA, as the processing agency for SMCELJPA within the meaning of Section 40253 of the Vehicle Code. The FasTrak[®] Regional Customer Service Center Policies set forth in Attachment C to BATA Resolution No. 52, Revised, as amended from time to time, shall be applicable to the SMCELJPA toll

facilities and this ordinance (except to the extent they conflict with the provisions of this ordinance) and are hereby adopted and incorporated by reference into this ordinance as though fully set forth herein.

8.2 It shall be a Violation to:

- (A) fail to comply with Section 5.1;
- (B) fail to comply with Section 5.2;
- (C) fail to comply with Section 5.3; or
- (D) fail to comply with Section 5.4.

8.3. The Penalties for Violations under this ordinance shall be the penalties set forth in Attachment A to this ordinance.

8.4 Vehicle occupancy violations while in the SMCELJPA toll facilities, including using a FasTrak Flex[®] toll tag to declare an occupancy status for toll exempt or discounted tolls when such declaration is not permitted hereunder, and other moving violations while in the SMCELJPA toll facilities, including entry into a SMCELJPA toll facility by a vehicle that is not authorized by the laws of the State of California to travel in such facility, are subject to citation by the California Highway Patrol.

8.5 SMCELJPA may use any lawful method to verify compliance with requirements for Discount and toll-exempt trips in the SMCELJPA toll facilities. Toll violations, including using a FasTrak Flex[®] toll tag to declare an occupancy status for toll exempt or discounted tolls when such declaration is not permitted hereunder, are subject to enforcement by SMCELJPA, as detailed in Sections 8.1 and 8.2 or as specified by SMCELJPA online at the SMCELJPA toll facility website, with Penalties as provided in Section 8.3.

8.6 SMCELJPA or BATA may access data saved electronically by the toll system in order to investigate Violations under this ordinance. Such data may include, but is not limited to, the vehicle license plate number, FasTrak Flex[®] toll tag setting, and FasTrak[®] toll tag account number, as permitted by law.

Section 9. Severability.

The provisions of this ordinance are severable, and if any provisions of this ordinance, or application of any provision of this ordinance to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance, shall not be affected thereby.

Section 10. Amendment.

The provisions of this ordinance may be amended from time to time in accordance with the procedures set forth in Section 50020 and following of the California Government Code. The concurrence in or consent to any such amendment by any federal or State of California entity with jurisdiction over highways shall be obtained before that amendment is adopted, but only to the extent expressly required by federal or California statutory law. Attachments A, B, and C to this ordinance may be updated from time to time by a resolution of the governing board of SMCELJPA.

Section 11. Delegated Authority.

The SMCELJPA's executive council is hereby authorized and directed to develop procedures, forms, documents, and directives which may be necessary to implement the terms of this Ordinance, and the executive council may delegate such duties and obligations under this Ordinance to staff, or consultants under contract.

Section 12. Effective Date.

This ordinance will take effect and be in force 30 days after its adoption. Upon adoption, this ordinance shall be signed by the Chair of the governing board of SMCELJPA and shall be published by the Secretary of SMCELJPA once, within 15 days of its adoption, in a newspaper of general circulation printed and published in the County of San Mateo, California.

**SAN MATEO COUNTY EXPRESS LANES JOINT
POWERS AUTHORITY**

Don Horsley
Chair

Date: _____

The above ordinance was first adopted by the San Mateo County Express Lanes Joint Powers Authority at a regularly-scheduled meeting of SMCELJPA held in San Mateo, California, on [Date].

ATTACHMENT A

Facilities and Tolls

Under the San Mateo County Express Lanes Joint Powers Authority Toll Facility Ordinance, discounts applicable to two- and three-occupant shall be as set forth in Table A-1:

Table A-1
(as adopted by the SMCELJPA Board on _____)

Vehicles Eligible for Discounts	Discounts based on HOV-3 Requirement*
Vehicles with three (3) or more occupants	Meets minimum occupancy requirement. No Toll.
Vehicles with two (2) occupants	50% Discount

**Discounts cannot be combined across discount categories; for example, a two-person clean air vehicle on US 101 cannot receive a 100% discount (50% for two persons plus 50% for clean air vehicle).*

For all SMCELJPA toll facilities, the surcharge for License Plate FasTrak® Account transactions shall be consistent with the maximum amount established by FasTrak® Regional Customer Service Center Policies (BATA Resolution No. 52).

ATTACHMENT B

Facilities and Tolls

Under the San Mateo County Express Lanes Joint Powers Authority Toll Facility Ordinance, discounts applicable to single-occupant Clean Air Vehicles shall be as set forth in Table B-1:

Table B-1
(as adopted by the SMCELJPA Board on _____)

Vehicles Eligible for Discounts	Discounts based on HOV-3 Requirement*
Single Occupant Clean Air Vehicle	50% Discount

**Discounts cannot be combined across discount categories; for example, a two-person clean air vehicle on US 101 cannot receive a 100% discount (50% for two persons plus 50% for clean air vehicle).*

For all SMCELJPA toll facilities, the surcharge for License Plate FasTrak® Account transactions shall be consistent with the maximum amount established by FasTrak® Regional Customer Service Center Policies (BATA Resolution No. 52).

The discount provided by this Attachment shall expire as of September 30, 2025 unless extended, amended or repealed prior to that date.

ATTACHMENT C

Schedule of Penalties for Toll Evasion Violations

All Violations

1st Notice Toll + \$25 penalty

2nd Notice Toll + \$70 penalty

Exceptions:

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 and the \$25 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 opening balance amount prior to posting the violation toll amount.

A processing fee will be applied to violations sent to the Department of Motor Vehicles (DMV) for a registration hold in the amount of the DMV recording fee authorized pursuant to Vehicle Code Section 4773 (currently \$3, as said amount may subsequently be revised by the DMV).