

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

Meeting No. 43

<b>Date:</b> Friday, December 9, 2022  <b>Time:</b> 9:00 A.M.	<b>Join by Webinar:</b> <a href="https://us02web.zoom.us/j/86931567825?pwd=&lt;u&gt;=bGFzaS9pSER2TFFVYlc5eEczUitOUT09&lt;/u&gt;">https://us02web.zoom.us/j/86931567825?pwd=<u>=bGFzaS9pSER2TFFVYlc5eEczUitOUT09</u></a>  <b>Webinar ID:</b> 869 3156 7825 <b>Password:</b> 120922 <b>Join by Phone:</b> (669) 900-6833
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**Board of Directors:** Rico E. Medina (Chair), Alicia Aguirre (Vice Chair), Gina Papan, Emily Beach, Maryann Moise Derwin and Don Horsley

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On September 16, 2021, the Governor signed AB 361, which amended certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings remotely via telephonically or by other electronic means under specified circumstances. Thus, pursuant to Government Code section 54953(e), the SMCEL-JPA Board meeting will be conducted via remote conferencing. 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 [mcrume@smcgov.org](mailto:mcrume@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 ON ITEMS NOT ON THE AGENDA  
*Note: Public comment is limited to two minutes per speaker.*
- 4.0 PRESENTATIONS/ ANNOUNCEMENTS
  - 4.1 Certificate of Appreciation to Maryann Moise Derwin for her years of dedicated service to the San Mateo County Express Lanes Joint Powers Authority. p. 1

- 4.2 Certificate of Appreciation to Don Horsley for his years of dedicated service to the San Mateo County Express Lanes Joint Powers Authority. p. 2
- 4.3 Certificate of Appreciation to Diane Papan for her years of dedicated service to the San Mateo County Express Lanes Joint Powers Authority. p. 3

## 5.0 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.

- 5.1 Review and approval of Resolution SCMEL 22-27 finding that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees. ACTION p. 4
- 5.2 Approval of the minutes of Board of Directors regular business meeting No. 42 dated November 18, 2022. ACTION p. 9
- 5.3 Accept the Sources and Uses of Funds for the FY22 Period Ending October 31, 2022. ACTION p. 14
- 5.4 Review and approval of the 2023 Calendar of SMCEL-JPA Board of Directors Meetings. ACTION p. 16

## 6.0 REGULAR AGENDA

- 6.1 Review and Approval of Resolution SMCEL 22-28 authorizing the negotiation and execution of an amendment to the service contract with the California Highway Patrol (CHP) to extend the time period through the end of Fiscal Year 2025 for an amount not to exceed \$480,000. ACTION p. 17
- 6.2 Receive information and provide feedback on the draft amendment of the Fiscal Year 2023 SMCEL-JPA revised budget. INFORMATION p. 21
- 6.3 Receive update on the US 101 Express Lanes operations for the southern segment from Whipple Ave. to San Mateo/Santa Clara County line, in addition to current information on the Community Transportation Benefits Program. INFORMATION p. 25
- 6.4 Receive a verbal update on the opening schedule for the San Mateo 101 Express Lanes northern segment, from Whipple Avenue to I-380 in South San Francisco. INFORMATION

## 7.0 REPORTS

- a) Chairperson Report.
- b) Member Communication.

- c) Executive Council Report - Executive Council Verbal Report.
- d) Policy/Program Manager Report.

## 8.0 WRITTEN COMMUNICATIONS

None.

## 9.0 NEXT REGULAR MEETING

January 13, 2023

## 10.0 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 Courtyard, 555 County Center, Redwood City, 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, 5<sup>th</sup> 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 Crume at [mcrume@smcgov.org](mailto:mcrume@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 Crume 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 [mcrume@smcgov.org](mailto:mcrume@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 SMCELJPA Board members, made publicly available on the Express Lanes website along with the agenda. 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 Crume, Secretary - (650) 599-1406



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**A PRESENTATION OF THE BOARD OF DIRECTORS OF THE  
SAN MATEO COUNTY EXPRESS LANES  
JOINT POWERS AUTHORITY (SMCEL-JPA)  
EXPRESSING APPRECIATION TO  
MARYANN MOISE DERWIN**

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**RESOLVED**, by the Board of Directors of the San Mateo County Express Lanes Joint Powers Authority;  
that,

**Whereas**, Maryann Moise Derwin has served on the San Mateo County Express Lanes Board of Director  
from 2019 through 2022; and

**Whereas**, as one of the inaugural SMCEL-JPA Board Members, Maryann Moise Derwin helped lead  
the organization through the design and implementation of the first express lane equity program in the Bay  
Area; the negotiation and adoption of a \$100 million loan for the express lanes construction project; the  
development of a branding campaign and logo for the SMCEL-JPA; the negotiation of critical  
foundational agreements with BAIFA, BATA, CALTRANS, and the CHP; and the early opening of the  
seven mile southern segment in February 2022; and

**Whereas**, Maryann Moise Derwin has served on the C/CAG Board of Directors from 2008 through 2022;  
and

**Whereas**, Maryann Moise Derwin was elected to the Portola Valley Town Council in 2005, and has  
served for 17 years; and

**Whereas**, Maryann Moise Derwin served as mayor from 12/2008-12/2009, 12/2011-12/2012, 12/2015-  
12/2016, 12/2020-12/2021; and

**Whereas**, Maryann Moise Derwin, has served on numerous local committees including, CCAG Resource  
Management Climate Protection Committee, SMC Library JPA, One Shoreline, HEART of San Mateo County,  
San Mateo Council of Cities, Liaison to the League of Cities, Liaison to ABAG, San Mateo County Closing the  
Jobs/Housing Task Force, San Mateo County Poet Laureate Committee, Portola Valley/Woodside Firewise  
Committee; and

**Whereas**, Maryann Moise Derwin, through her professional, public, and community activities, Maryann  
Moise Derwin has made remarkable contributions to the welfare of the people of San Mateo County; and

**NOW, THEREFORE**, the Board of Directors of the San Mateo County Express Lanes Joint Powers  
Authority hereby resolves that SMCEL-JPA expresses its appreciation to Maryann Moise Derwin for her  
dedicated leadership as one of the inaugural SMCEL-JPA Board members.

**PASSED, APPROVED, AND ADOPTED THIS 9<sup>TH</sup> DAY OF DECEMBER, 2022.**

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*Rico E. Medina, Chair*



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**A PRESENTATION OF THE BOARD OF DIRECTORS OF THE  
SAN MATEO COUNTY EXPRESS LANES  
JOINT POWERS AUTHORITY (SMCEL-JPA)  
EXPRESSING APPRECIATION TO  
DON HORSLEY**

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**RESOLVED**, by the Board of Directors of the San Mateo County Express Lanes Joint Powers Authority; that,

**WHEREAS**, Don Horsley has served as San Mateo County Express Lanes Joint Powers Authority as Chair on 2019 through 2022, and

**Whereas**, as one of the inaugural SMCEL-JPA Board Members, Don Horsley helped lead the organization through the design and implementation of the first express lane equity program in the Bay Area; the negotiation and adoption of a \$100 million loan for the express lanes construction project; the development of a branding campaign and logo for the SMCEL-JPA; the negotiation of critical foundational agreements with BAIFA, BATA, CALTRANS, and the CHP; and the early opening of the seven mile southern segment in February 2022; and

**WHEREAS**, the tenure of Don Horsley as a San Mateo County Supervisor will conclude following a 12-year, three-term limit at the end of 2022, after winning successful elections in 2010, 2014 and 2018, and

**WHEREAS**, Don Horsley has devoted his life to public service, beginning as a teacher, police officer, elected Sheriff of San Mateo County, elected board member of the Sequoia Health Care District and currently the President of the Board of Supervisors for San Mateo County, representing District 3, and

**WHEREAS**, Don Horsley served on various regional agencies, such as the San Mateo County Transportation Authority, the Health Plan of San Mateo and the Local Agency Formation Commission, he also was instrumental in creating the Flood and Sea Level Rise Resiliency District, establishing in perpetuity that all future District 3 Supervisors would sit on the board of that organization, and

**WHEREAS**, Don Horsley is an inclusive, collaborative, courageous, dedicated, and effective leader in San Mateo County.

**NOW, THEREFORE**, the Board of Directors of the San Mateo County Express Lanes Joint Powers Authority hereby resolves that San Mateo County Express Lanes Joint Powers Authority expresses its appreciation to Don Horsley for his dedicated leadership as one of the inaugural SMCEL-JPA Board members.

**PASSED, APPROVED, AND ADOPTED THIS 9<sup>TH</sup> DAY OF DECEMBER, 2022.**

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*Rico E. Medina, Chair*



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**A PRESENTATION OF THE BOARD OF DIRECTORS OF THE  
SAN MATEO COUNTY EXPRESS LANES  
JOINT POWERS AUTHORITY (SMCEL-JPA)  
EXPRESSING APPRECIATION TO  
DIANE PAPAN**

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**Resolved**, by the Board of Directors of the San Mateo County Express Lanes Joint Powers Authority; that

**Whereas**, Diane Papan has served on the San Mateo County Express Lanes Joint Powers Authority Board of Directors from 2019 through 2022; and

**Whereas**, as one of the inaugural SMCEL-JPA Board Members, Diane Papan helped lead the organization through the design and implementation of the first express lane equity program in the Bay Area; the negotiation and adoption of a \$100 million loan for the express lanes construction project; the development of a branding campaign and logo for the SMCEL-JPA; the negotiation of critical foundational agreements with BAIFA, BATA, CALTRANS, and the CHP; and the early opening of the seven mile southern segment in February 2022; and

**Whereas**, Diane Papan served the citizens of San Mateo as a highly regarded member of the City Council since 2015, and as Mayor from December 2018 to December 2019; and

**Whereas**, Diane Papan with her boundless sheer energy, has been a strong leader in making her community a better place, and improving the general well-being of individuals and societies in the County; and

**Whereas**, Diane Papan through her professional, public, and community activities, Diane Papan has made remarkable contributions to the welfare of the people of San Mateo County; and

**NOW, THEREFORE**, the Board of Directors of the San Mateo County Express Lanes Joint Powers Authority hereby resolves that SMCEL-JPA expresses its appreciation to Diane Papan for her dedicated leadership as one of the inaugural SMCEL-JPA Board members..

**PASSED, APPROVED, AND ADOPTED THIS 9<sup>TH</sup> DAY OF DECEMBER, 2022.**

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*Rico E. Medina, Chair*

## **San Mateo County Express Lanes Joint Powers Authority Agenda Report**

Date: December 9, 2022

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

From: Executive Council

Subject: Review and approval of Resolution SMCEL 22-27 finding that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees.

(For further information please contact Timothy Fox at [tfox@smcgov.org](mailto:tfox@smcgov.org))

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### **RECOMMENDATION**

Review and approval of Resolution SMCEL 22-27 finding that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees.

### **FISCAL IMPACT**

There is no fiscal impact associated with this item.

### **SOURCE OF FUNDS**

None.

### **BACKGROUND**

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021 for public agencies to transition back to public meetings held in full compliance with the Brown Act. The original Executive Order provided that all provisions of the Brown Act that required the physical presence of members or other personnel as a condition of participation or as a quorum for a public meeting were waived for public health reasons. If these waivers fully sunset on October 1, 2021, legislative bodies subject to the Brown Act would have to contend with a sudden return to full compliance with in-person meeting requirements as they existed prior to March 2020, including the requirement for full physical public access to all teleconference locations from which board members were participating.

On September 16, 2021, the Governor signed AB 361, a bill that formalizes and modifies the teleconference procedures implemented by California public agencies in response to the Governor's Executive Orders addressing Brown Act compliance during the COVID-19 emergency. AB 361 allows a

local agency legislative body to continue to use teleconferencing under the same basic rules as provided in the Executive Orders when certain circumstances occur or when certain findings have been made and adopted by the legislative body.

AB 361 provides that Brown Act legislative bodies must return to in-person meetings on October 1, 2021, unless they choose to continue with fully teleconferenced meetings because a specific declaration of a state or local health emergency is appropriately made. AB 361 allows legislative bodies to continue to conduct virtual meetings as long as there is a gubernatorially-proclaimed public emergency in combination with (1) local health official recommendations for social distancing or (2) adopted findings that meeting in person would present an imminent risk to health or safety. AB 361 is effective immediately as urgency legislation and will sunset on January 1, 2024.

AB 361 also requires that, if the state of emergency remains active for more than 30 days, the legislative body must make findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. Specifically, the legislative body must find that the need for teleconferencing persists due to risks posed by the ongoing state of emergency. Effectively, this means that local agencies must either agendaize a Brown Act meeting once every thirty days to make these findings, or, if a local agency has not made such findings within the prior 30 days, the local agency must re-adopt the initial findings if it wishes to conduct a remote meeting.

Public Agencies that want to continue with the option for remote meetings due to the COVID-19 emergency are preparing to bring findings to their elective bodies. The San Mateo County Board of Supervisors approved a similar resolution on consent at the September 28, 2021 meeting. On October 8, 2021, the SMCEL-JPA approved resolution 21-15 making the findings necessary for remote meetings; the Board has subsequently adopted similar resolutions making findings to continue remote meetings.

## **DISCUSSION**

The County's high vaccination rate, successfully implemented local health measures (such as indoor masking), and best practices by the public (such as voluntary social distancing) have proven effective, in combination, at controlling the local spread of COVID-19.

However, reducing the circumstances under which people come into close contact remains a vital component of the County's COVID-19 response strategy. While local agency public meetings are an essential government function, the last 18 months have demonstrated that conducting such meetings virtually is feasible.

Public meetings pose high risks for COVID-19 spread for several reasons. These meetings bring together people from throughout a geographic region, increasing the opportunity for COVID-19 transmission. Further, the open nature of public meetings makes it difficult to enforce compliance with vaccination, physical distancing, masking, cough and sneeze etiquette, or other safety measures. Moreover, some of the safety measures used by private businesses to control these risks may be less effective for public agencies.

These factors combine to make in-person public meetings imminently risky to health and safety.

We recommend that the Board avail itself of the provisions of AB 361 allowing continuation of remote meetings by adopting findings to the effect that conducting in-person meetings would present an

imminent risk to the health and safety of attendees. A resolution to that effect, and directing staff to take such other necessary or appropriate actions to implement the intent and purposes of the resolution, is attached hereto.

**ATTACHMENT**

1. Resolution SMCEL 22-27

## **RESOLUTION SMCEL 22-27**

### **RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN MATEO COUNTY EXPRESS LANES JOINT POWERS AUTHORITY (SMCEL-JPA) FINDING THAT, AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC STATE OF EMERGENCY, MEETING IN PERSON FOR MEETINGS OF THE SMCEL-JPA BOARD OF DIRECTORS WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES.**

**RESOLVED**, by the Board of Directors of the San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) that,

**WHEREAS**, on March 4, 2020, pursuant to California Government Code section 8550, *et seq.*, Governor Newsom proclaimed a state of emergency related to the COVID-19 novel coronavirus, and subsequently, the San Mateo County Board of Supervisors declared a local emergency related to COVID-19, and the proclamation by the Governor and declaration by the Board of Supervisors remain in effect; and

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions in the California Open Meeting law, Government Code section 54950 *et seq.* (the “Brown Act”), related to teleconferencing by local agency legislative bodies, provided certain requirements were met and followed; and

**WHEREAS**, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended provisions of Executive Order N-29-20 that waive otherwise-applicable Brown Act requirements related to remote/teleconference meetings by local agency legislative bodies through September 30, 2021; and

**WHEREAS**, on September 16, 2021, Governor Newsom signed AB 361 into law, and AB 361 that provides that a local agency legislative body subject to the Brown Act may continue to meet without complying with the otherwise-applicable requirements in the Brown Act related to remote/teleconference meetings by local agency legislative bodies, provided that a state of emergency has been declared and the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and provided that the legislative body makes such findings at least every thirty (30) days during the term of the declared emergency; and

**WHEREAS**, on January 5, 2022, the Governor issued Executive Order N-1-22, which suspended the original sunset date of AB 361 from January 31, 2022 to March 31, 2022, allowing local agencies to continue to conduct meetings via teleconference under modified rules of AB 361 as the pandemic continues; and

**WHEREAS**, the SMCEL-JPA Board of Directors concludes that there is a continuing threat of COVID-19 to the community, and that Board meetings have characteristics that give rise to risks to health and safety of meeting participants (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to participate fully in public governmental meetings, and the challenges with fully ascertaining and ensuring

compliance with vaccination and other safety recommendations at such meetings); and

**WHEREAS**, the California Department of Public Health (“CDPH”) and the federal Centers for Disease Control and Prevention (“CDC”) caution that the Omicron variant of COVID-19, currently the dominant strain of COVID-19 in the country, is much more transmissible than prior variants of the virus and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations; and

**WHEREAS**, the SMCEL-JPA Board of Directors has an important governmental interest in protecting the health and safety of those who participate in its meetings; and

**WHEREAS**, on October 8, 2021, the SMCEL-JPA Board of Directors approved Resolution 21-15 making the findings necessary to continue remote meetings and invoked the provisions of AB 361; and

**WHEREAS**, at subsequent meetings, the SMCEL-JPA Board of Directors has adopted subsequent resolutions making the findings necessary to continue remote meetings for SMCEL-JPA Board of Directors; and

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the SMCEL-JPA Board of Directors deems it necessary to find that meeting in person would present imminent risks to the health or safety of attendees, and thus intends to continue to invoke the provisions of AB 361 related to teleconferencing;

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that**

1. The recitals set forth above are true and correct.
2. The SMCEL-JPA Board of Directors has reconsidered the circumstances of the state of emergency caused by the spread of COVID-19.
3. The SMCEL-JPA Board of Directors finds that holding meetings of the SMCEL-JPA Board of Directors would present imminent risks to the health or safety of attendees.
4. Staff is directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

**PASSED, APPROVED, AND ADOPTED, THIS 9TH DAY OF DECEMBER, 2022.**

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*Rico E. Medina, Chair*

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

Meeting No. 42  
November 18, 2022

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:** Rico E. Medina (Chair), Alicia Aguirre (Vice Chair), Diane Papan, Don Horsley, Emily Beach and Maryann Moise Derwin

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## 1.0 CALL TO ORDER/ ROLL CALL

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

**Members Present:**

C/CAG Members: Maryann Moise Derwin, Diane Papan

SMCTA Members: Don Horsley, Emily Beach, Rico E. Medina

**Members Absent:**

Alicia Aguirre

**Staff Present:**

Sean Charpentier – Executive Council

April Chan – Executive Council

Mima Crume – Clerk of the Board

Tim Fox – Legal Counsel

Van Ocampo, Kaki Cheung – C/CAG staff supporting SMCEL-JPA

Grace Martinez – SMCTA staff supporting SMCEL-JPA

Lacy Vong, Christa Cassidy, Monique Fuhrman – HNTB

Other members of staff and the public were in attendance.

## 2.0 BRIEF OVERVIEW OF TELECONFERENCE MEETING PROCEDURES

## 3.0 COVID-19 PANDEMIC STATE OF EMERGENCY

3.1 Review and approval of Resolution SCMEL 22-26 finding that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees.

APPROVED

Director Beach MOVED to approve item 3.1. Director Derwin SECONDED. Roll call was taken. **MOTION CARRIED 5-0-0**

4.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

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

Clerk Crume announced that there were no comments from the public.

5.0 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.

5.1 Approval of the minutes of Board of Directors regular business meeting No. 41 dated October 14, 2022. APPROVED

5.2 Accept the Annual Financial Audit Report for the Fiscal Year Ended June 30, 2022. APPROVED

5.3 Accept the Sources and Uses of Funds for the FY22 Period Ending September 30, 2022. APPROVED

Director Horsley MOVED to approve the consent agenda. Director Derwin SECONDED. Roll call was taken. **MOTION CARRIED 5-0-0**

6.0 REGULAR AGENDA

6.1 Receive information on the recently signed Assembly Bill 2594, its requirements and an update on the payment plan required by the Bill. INFORMATION

The Board received a presentation on the recently signed Assembly Bill 2594, its requirements and an update on the payment plan required by the Bill. The bill mandates expanded customer service, requires payment plan option and eases dispute process for low-income people (Federal Poverty of 200%) and lowers maximum penalties for toll violations (completed). The express lane operators are working together to approve a regionally consistent payment plan by the July 1, 2023, deadline.

Board of Director asked if the penalties go to the JPA. Kaki Cheung answered yes. Director Papan inquired how will debt be shown in the financial records. Grace Martinez said it has not yet been reflected in the books until after there are certainties about the ability to collect. Director Papan asked if this bill requires a uniform repayment plan and discount on penalties with all the other agencies. Sean Charpentier said that the JPA Board has the ability to determine its own course, as long as it meets the legal requirements.

6.2 Receive update on the US 101 Express Lanes operations. INFORMATION

The Board received an update on the US 101 Express Lanes operations. In the first three months of the fiscal year, the data has shown a steady increase in the express lane's usage. Speed differential continue to be good. The average posted toll is also increasing month over month. The volumes and speeds are key inputs on how the algorithm chooses the price. The cumulative revenue shows what are collected through tolls. The community transportation benefits program, or equity program, has shown a 12.8% increase in benefits distributed in September. In regards to the declared occupancy, data is showing about the same IBT percentage, which is around 33%. There is a slight uptick in CAV declaration. There was a previous public comment on the percentage of IBT's not associated with FasTrak accounts. The overall IBT violation rate is 27.2%, which signifies that 27.2% of IBT transactions ultimately result in violation notices being sent to a customer.

Lacy Vong added that the IBT percentage was higher initially, and that number has been going down over time. User education has shown to be helpful, and JPA staff is going to continue to work through the regional public information working group. In December, there will be a more comprehensive update on the Community Transportation benefits program.

Board of Director Derwin asked if there was any data on how the newly opened HOV lanes in the North are performing. Monique Fuhrman said that data is not yet available.

Board of Director Horsley asked if the data on the dashboard is showing actual revenue or projected revenue. Monique said it is showing the potential revenue for all the toll transactions posted during those months.

Board of Director Beach asked if we would have some visibility on CHP violations for people who are declaring one occupancy but really are not. Lacy Vong said the JPA has been collecting data and can report on the effort at future meetings.

6.3 Receive a verbal update on the opening of the 101 Express Lane northern segment. INFORMATION

The Board received a verbal update on the opening of the 101 Express Lane northern segment. It's the contractor Kiewit has completed the construction capital phase of the northern segment of the express lanes. Construction was completed ahead of time and within budget. On November 5<sup>th</sup>, Caltrans also completed the removal of the orange channelizers and barricades within the express lanes. Both northbound and southbound directions are now open to high occupancy vehicles with three or more occupants or HOV 3+, as well as the clean air vehicles with appropriate stickers. With the completion of the construction capital phase, the focus now shifts towards the completion of the installation of the toll system equipment by Transcore. Currently it's 90% complete and is expected to be finished by the end of this month. Once all toll equipment has been installed and connected, Transcore will perform all the necessary testing to

ensure the proper functions of the equipment, and that there's communication between the equipment. The opening of the express lanes is necessary for the testing because we need the vehicles to be on the lane itself when testing is conducted. Based on our current schedule, Transcore will conduct the testing during the months of December and January, and it's expected or hoping operations will begin early next year.

Public Member Drew commented if there will be restriping on Whipple traveling northbound. Van Ocampo answered yes, there will be transitions striping that will be done prior to the opening of the express lane.

## 7.0 REPORTS

### a) Chairperson Report.

Chair Medina reported out that two new members will be joining the SMCEL-JPA Board. Gina Papan will start in December, and Michael Salazar will start in January. He wished Director Diane Papan well in her endeavors and in representing us. He has also thanked Director Derwin and Director Horsley for all their service.

Director Papan commented that this Board was the most important experience she had in elected government with creating a governing body, determining who would get what votes. She is deeply passionate about the equity program. We've learned how to communicate with one another and prioritize the collective goals in this JPA. She has thoroughly enjoyed every step of the way and thanked everyone for this opportunity.

### b) Member Communication.

None.

### c) Executive Council Report - Executive Council Verbal Report.

April Chan congratulated Director Papan as the new Assembly Member for our district. She has thanked all three Directors for their service. She added we're looking to open the entire corridor early 2023. There will be a ribbon cutting event and would like everyone to be there. Date is to be determined.

Sean Charpentier also thanked all the three Directors, who are transitioning. Staff is preparing proclamations for the Directors at the December meeting to commemorate their service. He has wished the Board and staff a Happy Thanksgiving.

### d) Policy/Program Manager Report.

Lacy Vong provided additional congratulatory notes and mentioned that this is her first meeting as the new policy program manager. She wanted to take the opportunity to say how grateful for this opportunity to work on this. She is very happy to be part of the team and looking forward to what is coming over the next year. In the past, Matt has reported that they have been asked to speak at conferences. We continue to

get requests from agencies of this equity program. MTC partners recently reached out to Matt and Lacy about opening a toll road SR37. They have met because MTC was very much interested in how the equity program was developed. Last month Matt and Chair Medina reported that we were working on an East Palo Alto Today article. It has been published. They have also been invited to speak at Commute.org's February meeting. Additional presentations are planned in the South County. The JPA staff confirmed for a February meeting at North Fair Oaks, in addition to getting on the East Palo Alto's council agenda. A more detailed update is planned for December and staff will be providing an update in January about the additional marketing efforts on the program.

8.0 WRITTEN COMMUNICATIONS

None.

9.0 NEXT REGULAR MEETING

December 9, 2022

10.0 ADJOURNMENT – 9:48 a.m.

## **San Mateo County Express Lanes Joint Powers Authority Agenda Report**

Date: December 9, 2022

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 FY23 Period Ending October 31, 2022  
  
(For further information, contact Grace Martinez, Acting CFO, at 650-508-6274)

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### **RECOMMENDATION**

That the SMCEL-JPA Board accepts and enters into the record the Sources and Uses of Funds for the FY23 Period Ending on October 31, 2022.

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

### **BACKGROUND**

Year to Date Sources of Funds: As of October year-to-date, the Total Sources of Funds are \$1.7 million, which include the Toll Revenue from the Express Lanes on US 101 between the Santa Clara County line and Whipple Avenue in Redwood City and the FY21 Carryforward Balance from SMCTA & CCAG. Actual toll revenues collected as of October 31, 2022 are \$1.4 million with an annual budget of \$4.5 million. The loan advances for October FY23 under the two operating loan agreements between the SMCEL-JPA, the San Mateo County Transportation Authority, and the City/County Association of Governments of San Mateo County are \$0.1 million.

Year to Date Uses of Funds: As of October year-to-date, the Total Uses of Funds are \$2.0 million. Major expenses are in the categories of fastrak customer service costs (\$0.6 million), toll operations and maintenance costs (\$0.6 million), Consultant costs (\$0.3 million) and insurance costs (\$0.2 million).

Budget Amendment: There are no budget amendments for the month of October 2022.

#### 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 of San Mateo County. 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 2023 (October 2022)

**SAN MATEO COUNTY EXPRESS LANE JPA**  
**SOURCES AND USES OF FUNDS**  
**Fiscal Year 2023**  
**October 2022**

	<b>BUDGET</b>	
	<b>As of 10/31/22</b>	<b>Annual</b>
<b>SOURCES OF FUNDS:</b>		
1 Toll Revenue	\$ 1,374,637	\$ 4,460,000
2 Allocated Bond Funds	3,360	635,000
3 SMCTA Measure A (ACR TDM)	-	400,000
4 Carryforward Balance from SMCTA & CCAG	192,109 *	192,109
5 Advance from the City/County Association of Governments of San Mateo County	65,685	1,350,000
6 Advance from the San Mateo County Transportation Authority	81,617	1,915,185
7 Additional advance from SMCTA	-	622,667
<b>TOTAL SOURCES OF FUNDS</b>	<b>\$ 1,717,407</b>	<b>\$ 9,574,961</b>
<b>USES OF FUNDS:</b>		
8 Staff Support	\$ 143,762	\$ 839,628
9 Administrative Overhead	81,874	106,055
10 Seminar/Training & Business Travel	-	20,000
11 Audit & Bank Fees	569	15,160
12 Office Supplies	-	3,000
13 Printing and Information Svcs	-	5,000
14 Promotional Advertising	-	50,000
15 Utilities	9,948	50,000
16 Software Maintenance & License	26,205	32,000
17 Legal Services	1,113	60,000
18 Consultant	282,042	1,811,000
19 Express Lane Maintenance	-	444,000
20 Toll Operations and Maintenance	568,139	2,751,000
21 Fastrak Customer Service	621,764	1,885,500
22 Express Lane Enhanced Enforcement	13,762	215,000
23 Equity Program Administration and Costs	3,360	1,035,000
24 Insurance	203,777	228,218
25 Miscellaneous	22,909	24,400
<b>TOTAL USES OF FUNDS</b>	<b>\$ 1,979,224</b>	<b>\$ 9,574,961</b>
<b>PROJECT SOURCES OVER USES</b>	<b>\$ (261,817) **</b>	<b>\$ -</b>
<b>Note:</b>		
* Represents FY21 Operating Surplus. FY22 Carryforward Balance from SMCTA & CCAG will be added after it is reviewed by the Executive Council and approved by the Board.		
** FY23 Deficit as of October 2022 will be covered by the FY22 advance surplus.		
FY23 Excess (Deficit)	\$ (261,817)	
Preliminary FY22 Advance Surplus	1,227,186	
<b>PROJECT SOURCES OVER USES (preliminary)</b>	<b>\$ 965,369</b>	
<b>Additional Information:</b>		
Loan payables to the City/County Association of Governments of San Mateo County	\$ 2,781,676	
Loan payables to the San Mateo County Transportation Authority	\$ 3,281,246	

## **San Mateo County Express Lanes Joint Powers Authority Agenda Report**

Date: December 9, 2022

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

From: Executive Council

Subject: Review and approval of the 2023 Calendar of SMCEL-JPA Board of Directors Meetings  
  
(For further information, contact Mima Crume [mcrume@smcgov.org](mailto:mcrume@smcgov.org))

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### **RECOMMENDATION**

That the SMCEL-JPA Board of Directors review and approve the 2023 Calendar of SMCEL-JPA Board of Directors Meetings.

### **FISCAL IMPACT**

None.

### **BACKGROUND**

The following schedule for the 2023 Board meetings is proposed. All meetings will start at 9:00 a.m. unless otherwise noted. With the exception of November 17<sup>th</sup>, all meetings are on the 2<sup>nd</sup> Friday of the month. November 10<sup>th</sup> is Veteran's Day, which is a holiday. Therefore, staff is proposing moving the Board meeting to the following Friday on November 17<sup>th</sup>.

January 13th  
 February 10th  
 March 10th  
 April 14th  
 May 12th  
 June 9th  
 July 14th  
 August 11th  
 September 15th  
 October 13th  
**November 17th**  
 December 8th

### **ATTACHMENT**

None.

## **San Mateo County Express Lanes Joint Powers Authority Agenda Report**

Date: December 9, 2022

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

From: Executive Council

Subject: Review and Approval of Resolution SMCEL 22-28 authorizing the negotiation and execution of an amendment to the service contract with the California Highway Patrol (CHP) to extend the time period through end of Fiscal Year 2025 for an amount not to exceed \$480,000.

(For further information please contact Sean Charpentier at [scharpentier@smcgov.org](mailto:scharpentier@smcgov.org); or April Chan at [chana@samtrans.com](mailto:chana@samtrans.com).)

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### **RECOMMENDATION**

That the San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) Board reviews and approves Resolution SMCEL 22-28 authorizing the execution of an amendment to the service contract with CHP for continuation of enforcement services on the 101 Express Lanes in San Mateo County through the end of FY2025 for an amount not to exceed \$480,000.

### **FISCAL IMPACT**

The total Fiscal Impact will be in the amount of \$480,000 covering half of FY 2023 through the end of FY 2025. Funding amount needed in FY2023 is included in the FY2023 Budget Amendment that will be presented to the SMCEL-JPA Board for discussion at the December 2022 meeting. Staff plans to include appropriate budget authority the FY 2024 and FY 2025 SMCEL-JPA Budget for CHP enforcement services, and will review this with the Board as part of the FY 2024 and FY 2025 budgeting process.

### **SOURCE OF FUNDS**

At the December 2022 meeting, staff will present an updated FY 2023 Budget for Board consideration, which will include additional toll revenue needed for the CHP Enforcement Services.

### **BACKGROUND**

On June 11, 2021, the SMCEL-JPA Board approved Resolution 21-10, which adopted SMCEL Ordinance 2021-01 for the Administration of Tolls and Enforcement of Toll Violations for the 101 Express Lanes in San Mateo County. Administrative procedures and penalties enacted pursuant to Article 4 were adopted to ensure that motorists who evade the payment of Tolls while travelling on San Mateo County 101 Express Lanes shall be subject to civil penalties, while ensuring fairness in the treatment of violators.

California Streets and Highways Code Section 149.7 requires the SMCEL-JPA to enter into a contract with CHP that addresses all law enforcement matters related to the toll facility and authorizes reimbursement of that state agency for the enforcement activities, including those under SMCEL Ordinance 2021-01. Other express lane operators in the State have similar service contracts.

At its October 8, 2021 meeting, the SMCEL-JPA Board approved Resolution SMCEL 21-18 authorizing the

Chair of the SMCEL-JPA Board of Directors to execute the initial contract with CHP for the period of one year beginning with the initiation of tolling in the amount of \$200,000. That amount was based on the enforcement levels consistent with other regional express lane operators. The level of enforcement is dependent on the availability of CHP resources, which are occasionally diverted to other emergencies like natural disasters. To date, the level of enforcement has varied but is generally lower than anticipated.

SMCEL-JPA staff will continue to meet with CHP on strategies to most effectively utilize CHP resources to best address issues such as toll evasion and occupancy enforcement in addition to all other Vehicle Code violations associated with the Express Lanes, particularly with the opening of the northern segment of the 101 Express Lanes in San Mateo County in early 2023. This adds approximately 16 miles of enforcement in both north and south bound directions for enforcement. As a result, staff estimate additional CHP officer hours to provide enforcement for the full corridor.

The CHP uses a standard service contract with similar terms throughout the state. A copy of the amendment is provided as Attachment 2.

Staff has negotiated the proposed contract terms between SMCEL-JPA and CHP. However, since the contract amendment has not been completed, it is recommended that the Executive Council be authorized to make minor revisions prior to execution, subject to SMCEL-JPA Legal Counsel approval.

#### **ATTACHMENTS**

- 1) Resolution SMCEL 22-28
- 2) CHP Reimbursable Services Contract Request to amend service terms for US 101 Express Lanes in San Mateo County Enforcement Services

**RESOLUTION SMCEL 22-28**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN MATEO COUNTY EXPRESS LANES JOINT POWERS AUTHORITY (SMCEL-JPA) AUTHORIZING THE NEGOTIATION AND EXECUTION OF THE CONTRACT AMENDMENT BETWEEN THE CALIFORNIA HIGHWAY PATROL (CHP) AND THE SAN MATEO COUNTY EXPRESS LANES JOINT POWERS AUTHORITY FOR ENFORCEMENT SERVICES ON THE US 101 EXPRESS LANES IN SAN MATEO COUNTY TO EXTEND THE PERIOD OF PERFORMANCE THROUGH THE END OF FISCAL YEAR 2025 FOR AN AMOUNT NOT TO EXCEED \$480,000**

**RESOLVED**, by the Board of Directors of the San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) that,

**WHEREAS** the SMCEL-JPA was granted approval by the California Transportation Commission (CTC) pursuant to California Streets and Highways Code section 149.7 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; and

**WHEREAS**, on June 11, 2021, the SMCEL-JPA adopted a Resolution SMCEL 21-10 for the Toll Ordinance for the Administration of Tolls and Enforcement of Toll Violations for the San Mateo County US 101 Express Lanes, and

**WHEREAS**, pursuant to California Streets and Highways Code section 149.7, SMCEL-JPA shall enter into a contract with CHP that addresses all law enforcement matters related to the toll facility and authorizes reimbursement of that state agency for the enforcement activities, including those under SMCEL Ordinance 2021-01, and

**WHEREAS**, in order to procure enforcement services for the San Mateo County US 101 Express Lanes, the SMCEL-JPA and CHP must enter a contract including, but not limited to, the scope of services, the duration of the contract and the applicable hourly rates; and

**WHEREAS**, on October 8, 2021, the SMCEL-JPA Board adopted Resolution SMCEL 21-18 authorizing the Chair of the SMCEL-JPA Board of Directors to execute the initial contract with CHP for the period of one year beginning with the initiation of tolling in the amount of \$200,000 and a contract with CHP was executed on November 10, 2021 by the Chair of the SMCEL-JPA Board; and

**WHEREAS** it is the desire of the SMCEL-JPA to amend the contract with CHP for the agreed upon express lanes enforcement services through Fiscal Year 2025 for a new amount not to exceed \$480,000.

**NOW, THEREFORE, BE IT RESOLVED** by the SMCEL-JPA Board of Directors that the Chair is authorized to execute the contract amendment for enforcement services with CHP to extend the time period through the end of the Fiscal Year 2025 for an amount not to exceed \$480,000; and further authorize the Executive Council to negotiate final terms prior to execution, subject to Legal Counsel approval.

**PASSED, APPROVED, AND ADOPTED, THIS 9TH DAY DECEMBER 2022.**

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*Rico E. Medina, Chair*

STATE OF CALIFORNIA  
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

**REIMBURSABLE SERVICES CONTRACT REQUEST**

CHP 78R (Rev. 2-12) OPI 076

TO		DATE	(1) CURRENT AGREEMENT NUMBER	
BUSINESS SERVICES SECTION- CONTRACT SERVICES UNIT (076)		10/31/2022	21R330002	
(4) CONTRACT COORDINATOR (Print Name and Title)		(2) OPI TRACKING NUMBER	(3) PREVIOUS AGREEMENT NUMBER	
Mishell Marmo, Sergeant			N/A	
MAILING ADDRESS (Include Zip Code)		FROM (Command/Location Code)	TELEPHONE NUMBER (Include Area Code)	FAX NUMBER (Include Area Code)
355 Convention Way, Redwood City, CA 94063		Redwood City / 330	(650) 779-2700	
(5) AGREEMENT WITH (Include Full Business Name)		CONTACT NAME (Print Name and Title)	TELEPHONE NUMBER (Include Area Code)	FAX NUMBER (Include Area Code)
San Mateo County Express Lanes Joint Powers Authority		Heba El-Guindy	(650) 508-7942	
MAILING ADDRESS (Include Zip Code)		BUSINESS ADDRESS (If different than mailing address)		
1250 San Carlos Avenue, San Carlos, CA 94070		555 County Center, 5th Floor, Redwood City, CA 94063		

(6)  ORIGINAL AGREEMENT  AMENDMENT NUMBER

(7) TERM OF AGREEMENT  
STARTING DATE 08/01/2021 THROUGH 12/31/2022 ORIGINAL ENDING DATE 12/31/2022 AMENDED ENDING DATE 06/30/2025

(8) AREA(S)/LOCATION CODE(S)/ADDRESS(ES) WHERE SERVICES ARE TO BE PERFORMED (If Different From Above)

CHECK IF MULTIPLE LOCATION LISTING ATTACHED  NO CHANGE

US-101 Northbound and Southbound, from Grand Ave. in South San Francisco to the Santa Clara County line.

(9) DESCRIBE PURPOSE, SERVICE(S) TO BE PERFORMED, AND/OR FINAL PRODUCT TO BE DELIVERED  
California Highway Patrol (CHP) is to provide traffic enforcement services associated with the Express Lanes on US-101 (northbound and southbound) within San Mateo County. Enforcement will primarily be conducted Monday through Friday between the hours of 0500-0900 and 1500-1900. Officers are to focus on enforcement of toll evasion, occupancy violations in addition to all other applicable vehicle code violations associated with the express lanes.

Under Exhibit B section 1, amend to provide monthly itemized invoices electronically to the following: Jennifer Williams (WilliamsJ@samtrans.com), Revenue@samtrans.com, and AccountsPayable@samtrans.com.

(10)  SUPPORTING DOCUMENTATION ATTACHED (Specifications or scope of work, drawings and other supporting documents, or services affected by this reimbursable agreement must be attached to CHP 78R and available via email upon CSU's request). Please provide contact person and email address below.

NAME (Print Name and Title)	EMAIL ADDRESS	TELEPHONE NUMBER (Include Area Code)
Oscar Landell, Officer	Oscar.Landell@chp.ca.gov	(650) 779-2700
(11) NAME OF INVOICE APPROVER (Print Name and Title)	MAILING ADDRESS	TELEPHONE NUMBER (Include Area Code)
Mishell Marmo, Sergeant	355 Convention Way, Redwood City, CA	(650) 779-2700

All reimbursable agreements are subject to full-cost recovery, e.g., portal to portal and mileage, unless indicated and approved by appropriate Assistant Commissioner. Appropriate charges will be made for departmental supplies extended, additional equipment utilized, damages to uniforms or property repaired or replaced at state expense, etc., which are directly related to the services provided.

(12) ESTIMATED HOURS/MILEAGE:	Current billing rates as published by Fiscal Management Section will be used to calculate value.	ESTIMATED AMOUNT	(13) AMENDMENT – Increase/Decrease	\$
Est. Officer Reg. hours:	Officer Reg. rate: \$ _____ per hour	\$	(14) MAXIMUM REIMBURSABLE AMOUNT AUTHORIZED	\$ 480,000.00
Est. Officer O/T hours: 4,000	Officer O/T rate: \$ 102.48 per hour	\$ 409,920.00	(15) LOCATION CODE	330
Est. Sgt. Reg. hours:	Sgt. Reg. rate: \$ _____ per hour	\$	OBJECT CODE	
Est. Sgt. O/T hours: 200	Sgt. O/T rate: \$ 124.67 per hour	\$ 24,934.00	PCA CODE	
Est. M/C Sgt. Reg. hours:	M/C Sgt. Reg. rate: \$ _____ per hour	\$	(16) INVOICE TO BE PREPARED	
Est. M/C Sgt. O/T hours:	M/C Sgt. O/T rate: \$ _____ per hour	\$	<input type="checkbox"/> Upon completion of Agreement <input checked="" type="checkbox"/> Monthly	
Est. Automobile miles: 30,000	Automobile miles rate: @ 1.41 per mile	\$ 42,300.00	<input type="checkbox"/> Other, Fully explain method below:	
Est. M/C miles:	M/C miles rate: @ _____ per mile	\$	FY 2023/2024 \$240,000	
Est. Other Expense(s):	Other expense(s): \$ _____	\$	FY 2024/2025 \$240,000	
Estimated total:		\$ 477,154.00		

COMMANDER OR APPROVED DESIGNEE (Print Name and Title)	SIGNATURE	DATE
J. D. Cavett, Captain	<i>J. Cavett, FOR</i>	11/08/22
DIVISION COMMANDER OR APPROVED DESIGNEE (If Required) (Print Name and Title)	SIGNATURE	DATE

## **San Mateo County Express Lanes Joint Powers Authority Agenda Report**

DATE: December 9, 2022

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

FROM: Grace Martinez  
Acting Chief Financial Officer

SUBJECT: Receive information and provide feedback on the draft amendment to the  
adopted Fiscal Year 2023 SMCEL-JPA Operating Budget

(For further information or questions, contact Grace Martinez at 650-508-6274)

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### **Recommendation**

Staff recommends the Board receive information and provide feedback on the draft amendment to the adopted FY2023 SMCEL-JPA operating budget.

### **Fiscal Impact**

The draft revised FY2023 SMCEL-JPA operating budget will see an increase of \$3,540,000, for a new total of \$13,114,961. Approval of this amendment will provide the SMCEL-JPA with sufficient budget authority to cover the operation and maintenance (O&M) of the segment of the US101 express lanes north of Whipple Avenue to I-380 (northern segment) and any other anticipated expenditures associated with the new segment through the end of FY2023.

### **Background**

The FY2023 Budget was previously approved by the Board in June 2022 to provide funding to continue the support of operation of the segment of the US 101 Express Lanes between Whipple Avenue and the San Mateo/Santa Clara county line (southern segment). As additional revenue and expense data for the southern segment become available and the opening date of the northern segment is now scheduled for early 2023, staff is presenting revisions to the FY2023 Budget for the Board as an informational item at the December 2022 meeting. After Board input, staff will return with the final budget amendment for adoption at the next meeting on January 13, 2023.

### **FY2023 Revised Budget**

Please refer to Attachment A for a comparative schedule of the FY2023 Adopted Budget and the draft FY2023 Revised Budget. The line numbers for each revenue and expense item are detailed below and referenced in the attachment.

### **Total Sources of Funds (Line 9)**

Total revenues for FY2023 are projected at \$13,114,961, which is an increase of \$3,540,000

over the FY2023 Adopted Budget.

**Toll Revenues (Line 2) – increase of \$3,540,000 over the FY2023 adopted budget**

This budget amendment reflects the toll revenue collected for the southern segment and the anticipated toll revenue for the opening of the Northern segment. The assumptions for the revenue figures are noted below:

1. Increase the southern segment toll revenue by \$460,000. The FY2023 adopted budget was based on actual toll revenue collected from February 2022 to April 2022. This increase now reflects more current data, using the average actual toll revenue collected from March to September.
2. Increase toll revenue by \$3,080,000 to account for 4 months of operations of the Northern segment from March 2023 to end of FY2023. The estimate is based on multiplying the average toll revenue per mile from March 2022 to September 2022 in the southern segment by the number of lane miles on the northern segment.

Uses of Funds

The total expenses for FY2023 are projected at \$13,114,961, an increase of \$3,540,000 over the FY2023 adopted budget.

**Toll Operations and Maintenance (Line 25), an increase of \$2,230,000 from FY2023 adopted budget.**

- The line reflects the Bay Area Infrastructure Financial Authority’s operation of the Express Lanes toll system, including the collection of toll transactions and traffic data; costs related to the Bay Area Toll Authority customer service center, monitoring of system performance, and providing roadway operations and maintenance of toll system equipment and software.
- The FY2023 revised Toll Operations and Maintenance budget is at \$4,981,000. This is an increase of \$2.23 million over the FY2023 adopted budget. It reflects 4 months of the northern segment’s operation and maintenance (O&M) from March to end of the FY2023. The projection is developed using average actual expenses of the southern segment and applying that rate to the northern segment based on lane miles.

**FasTrak Customer Service (Line 26), an increase of \$954,500 over the FY2023 adopted budget**

- This line item is for expenses related to providing customer service for FasTrak® accounts and trips taken on the US 101 Express Lanes in San Mateo County, processing customer payments, and issuing toll evasion violation notices.
- The increase in FasTrak Customer Service budget has two components.
  - Reducing the southern segment budget by \$112,000 to align with average actual data from March 2022 to September 2022.
  - Increasing the northern segment budget by \$1,066,500 to allow for budget authority for the anticipated operations and maintenance (O&M) expenses from March 2023 through the end of FY2023.

**Express Lane Enhanced Enforcement (Line 27), an increase of \$25,000 over the FY2023 adopted budget.**

- The line item is for the California Highway Patrol (CHP) to provide enforcement services.
- This increase is to account for CHP enforcement of the Northern segment of the express lane.

**Insurance: (Line 29) - an increase of \$271,782 from the FY2023 adopted budget.**

- The FY2023 adopted budget covers only the southern segment of the express lane. The amendment will cover the additional costs to insure the northern segment of the corridor through the end of the FY2023, including \$100,000 for the insurance deductible.

**Miscellaneous (Line 30), an increase of \$58,718 from the FY2023 adopted budget**

- Includes provision for dues and subscriptions, board meeting technical/video streaming software, board compensation as well as funds for the full corridor opening ceremony.
- The increase is for the estimated interest expenses incurred on the Advances from both C/CAG and SMCTA. Actual interest payment is subject to revenue reserves once there are sufficient toll revenues to cover all other expenses.

**ATTACHMENT:**

1. Proposed FY2023 SMCEL-JPA Revised Budget

**SAN MATEO COUNTY Express Lanes JPA  
FY2023 Proposed Budget Amendment**

	FY2023 Y-T-D ACTUALS thru September	FY2023 ADOPTED BUDGET	FY2023 REVISED BUDGET	\$ Increase/(Decrease) Over FY2023 Adopted Budget	% Increase/(Decrease) Over FY2023 Adopted Budget		
1	<b>SOURCES OF FUNDS</b>					1	
2	Toll Revenues	1,161,597	4,460,000	8,000,000	3,540,000	79.4%	2
3	Allocated Bond Funds	-	635,000	635,000	-	-	3
4	SMCTA Measure A (ACR TDM)	-	400,000	400,000	-	-	4
5	Carryforward Balance from SMCTA & CCAG	192,109	192,109	192,109	-	-	5
6	Advance from the C/CAG	42,480	1,350,000	1,350,000	-	-	6
7	Advance from the SMCTA	59,779	1,915,185	1,915,185	-	-	7
8	Additional advance from SMCTA	-	622,667	622,667	-	-	8
9	<b>TOTAL SOURCES OF FUNDS</b>	<b>1,455,965</b>	<b>9,574,961</b>	<b>13,114,961</b>	<b>3,540,000</b>	<b>37.0%</b>	9
10	<b>USES OF FUNDS</b>					10	
11							11
12							12
13	Staff Support	103,088	839,628	839,628	-	-	13
14	Administrative Overhead	21,010	106,055	106,055	-	-	14
15	Seminar/Training & Business Travel	-	20,000	20,000	-	-	15
16	Audit & Bank Fees	484	15,160	15,160	-	-	16
17	Office Supplies	-	3,000	3,000	-	-	17
18	Printing and Information Svcs	-	5,000	5,000	-	-	18
19	Promotional Advertising	-	50,000	50,000	-	-	19
20	Utilities	7,109	50,000	50,000	-	-	20
21	Software Maintenance & License	26,205	32,000	32,000	-	-	21
22	Legal Services	-	60,000	60,000	-	-	22
23	Consultant	55,563	1,811,000	1,811,000	-	-	23
24	Express Lane Maintenance	-	444,000	444,000	-	-	24
25	Toll Operations and Maintenance	402,579	2,751,000	4,981,000	2,230,000	81.1%	25
26	Fastrak Customer Service	472,358	1,885,500	2,840,000	954,500	50.6%	26
27	Express Lane Enhanced Enforcement	13,762	215,000	240,000	25,000	11.6%	27
28	Equity Program Administration and Costs	-	1,035,000	1,035,000	-	-	28
29	Insurance	203,777	228,218	500,000	271,782	119.1%	29
30	Miscellaneous	15,477	24,400	83,118	58,718	240.6%	30
31	<b>TOTAL USES OF FUNDS</b>	<b>1,321,412</b>	<b>9,574,961</b>	<b>13,114,961</b>	<b>3,540,000</b>	<b>37.0%</b>	31
32							32
33	<b>PROJECTED SOURCES OVER USES</b>	<b>134,553</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	33

## San Mateo County Express Lanes Joint Powers Authority Agenda Report

Date: December 9, 2022

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

From: Policy/Program Manager (PPM)

Subject: Receive Update on the US 101 Express Lanes Operations for the southern segment from Whipple Ave. to San Mateo/Santa Clara County line, in addition to current information on the Community Transportation Benefits Program

(For further information please contact Lacy Vong, Policy/Program Manager, [lvong@hntb.com](mailto:lvong@hntb.com))

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### **RECOMMENDATION**

Receive update on the US 101 Express Lanes operations for the southern segment from Whipple Ave. to San Mateo/Santa Clara County line, in addition to current information on the Community Transportation Benefits Program. No Board action is required.

### **FISCAL IMPACT**

There is no fiscal impact related to this informational item.

### **SOURCE OF FUNDS**

N/A

### **BACKGROUND**

On February 11<sup>th</sup>, 2022, the southern segment of the US 101 Express Lanes (between Whipple Avenue and Embarcadero Road) opened concurrently with the Santa Clara Valley Transportation Authority (VTA)'s companion express lane project to the south. The southern segment express lanes have reached a steady state in operations and are performing well.

Below are operational highlights for the three-month period of August 1<sup>st</sup> through October 31, 2022:

- The average potential daily revenue for the southern segment during this period was \$26,480. A month-to-month breakdown appears in the following table:

Period	Number of Tolling Days	Total Potential Revenue for the Period	Average Potential Daily Revenue
August 1-31	23	\$519,847	\$22,602
September 1-30	21	\$630,620	\$30,030
October 1-31	21	\$570,736	\$27,178

- During this reporting period, the average daily toll rates have been:

Period	Southbound	Northbound
August 1-31	\$1.57	\$0.85
September 1-30	\$1.93	\$1.11
October 1-31	\$1.78	\$1.02

- Daily average express lanes volumes continue to increase month to month. The following is summary of volumes over the reporting period:

Period	Number of Tolling Days	Average Daily EL Volume		% Change from Previous Month	
		Northbound	Southbound	Northbound	Southbound
August 1-31	23	14,641	12,285	+6.1%	+10.5%
September 1-30	21	15,683	13,105	+7.1%	+6.7%
October 1-31	21	15,664	13,095	-0.1%	-0.1%

- Average Express Lane trips remained nearly the same in October compared to September with a slight decrease of 0.1% in both the northbound and southbound directions.
- Express Lanes continue to operate at about 10 to 12 mph faster than the general purpose lanes in both directions.
- Out of these trips, most continue to be image-based trips followed by drivers who declared as HOV3, single occupant vehicle (SOV), and HOV2. Clean Air Vehicle (CAV) declarations represented the smallest portion of trips at about 1.8% in October.
- Potential toll revenue decreased in October compared to September at approximately \$571,000, but October still marks the second highest month of FY 2023.
- Actual cumulative revenue in fiscal year 2023 through October is approximately \$1.4 Million.
- Toll operations and maintenance (O&M) costs, which consists of the toll system operating and maintenance, FasTrak Regional Customer Service Center support, Caltrans civil roadway maintenance, and California Highway Patrol enhanced lane enforcement activities, is about \$1.2 million through the end of October 2022. The Toll O&M costs do not include agency overhead and other administrative costs used to support

the Express Lanes Program.

### **COMMUNITY TRANSPORTATION BENEFITS UPDATE**

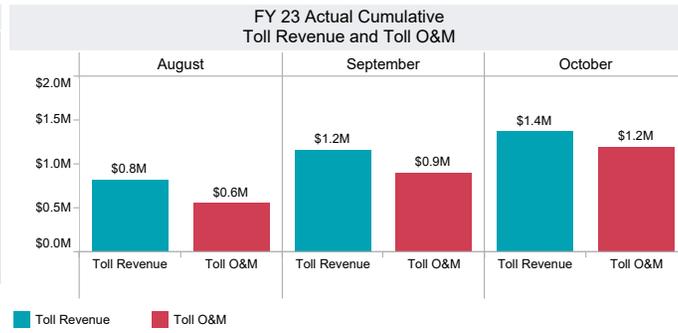
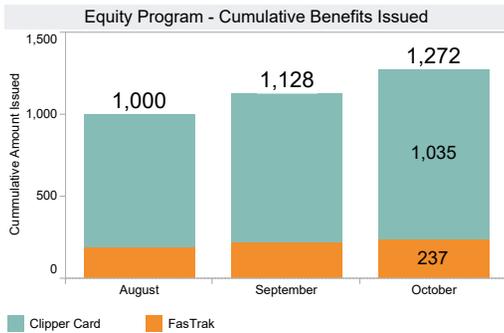
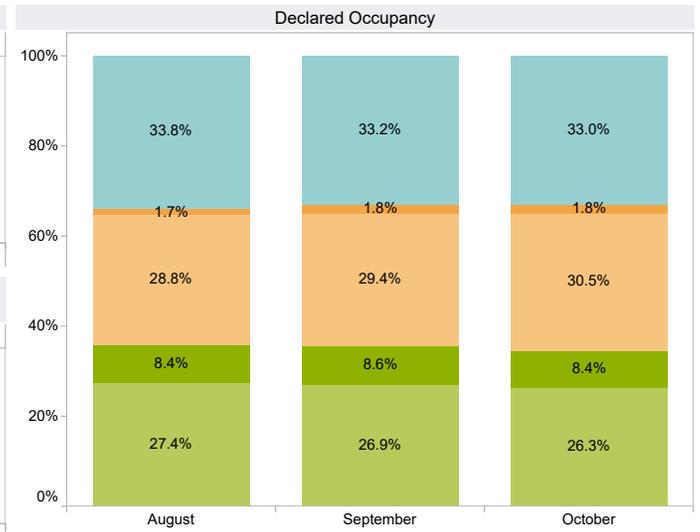
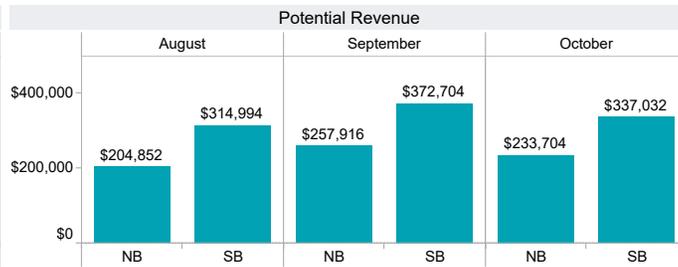
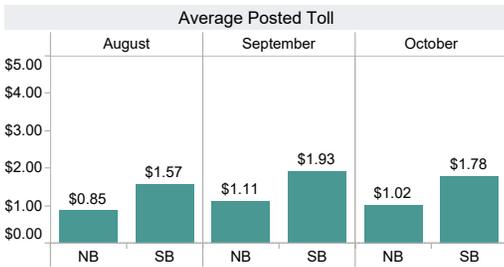
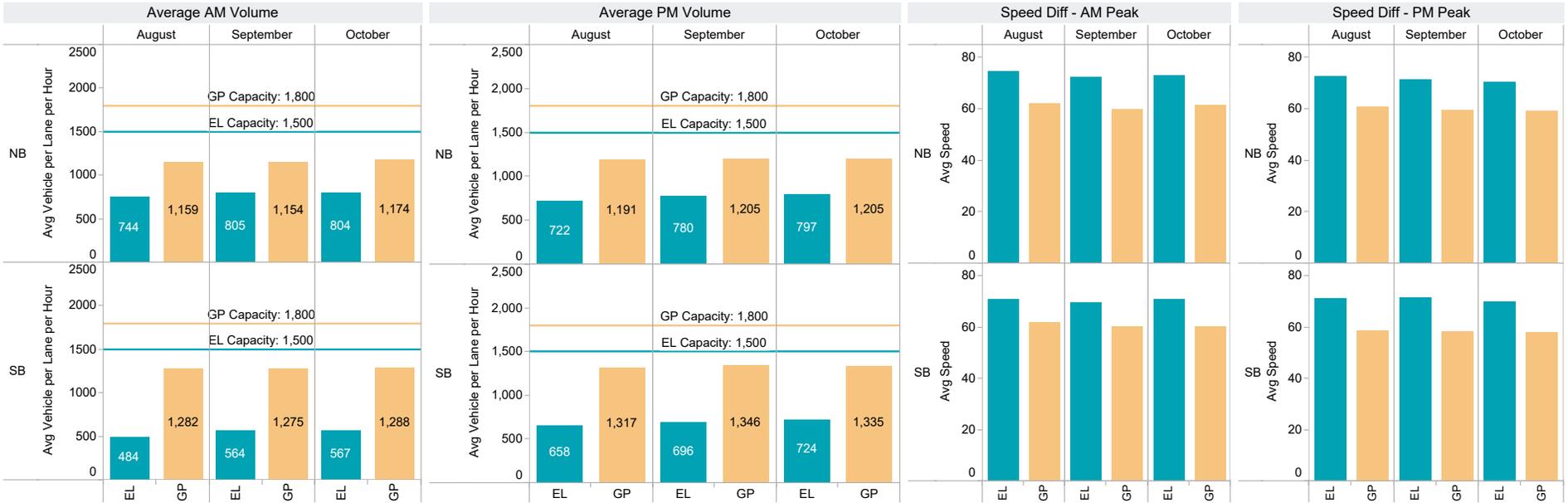
The Community Transportation Benefit Program (Program) launched at the end of April 2022, bringing a new transportation benefit to lower income individuals in San Mateo County. The Program is administered by Samaritan House. Qualified individuals may sign up for the Program at any of the San Mateo County Core Service Agencies, including Samaritan House.

Since the Program launched on April 25, 1,272 participants have enrolled in the Program through October 31—237 selecting the FasTrak® option and 1,035 selecting the Clipper Card option. High-level details about the Program participants will be included in the presentation to the Board. Some key highlights follow:

- 58% of participants have no annual income; 33 percent make less than \$25,000 annually.
- 53% of participants identify as women.
- The top three highest races represented are: 41% white, 31% Asian or Asian American, and 4% Black, African-American, or African.
- 47% of participants identify as Hispanic or Latin(a)(o)(x).
- The top three cities represented are: South San Francisco (35%), Daly City (26%), and San Mateo (10%).
- The majority of participants say they will use their benefit to get food or run other household errands, followed by getting to healthcare and getting to work.

### **ATTACHMENT**

1. 101 Express Lanes Operations Dashboard
2. Community Transportation Benefits Program Update, December 2022



Clipper Card FasTrak

Toll Revenue Toll O&M

IBT % HOV3+ % SOV % HOV2 % CAV %



# Community Transportation Benefits Program Update

December 9, 2022

# Benefits distributed since launch

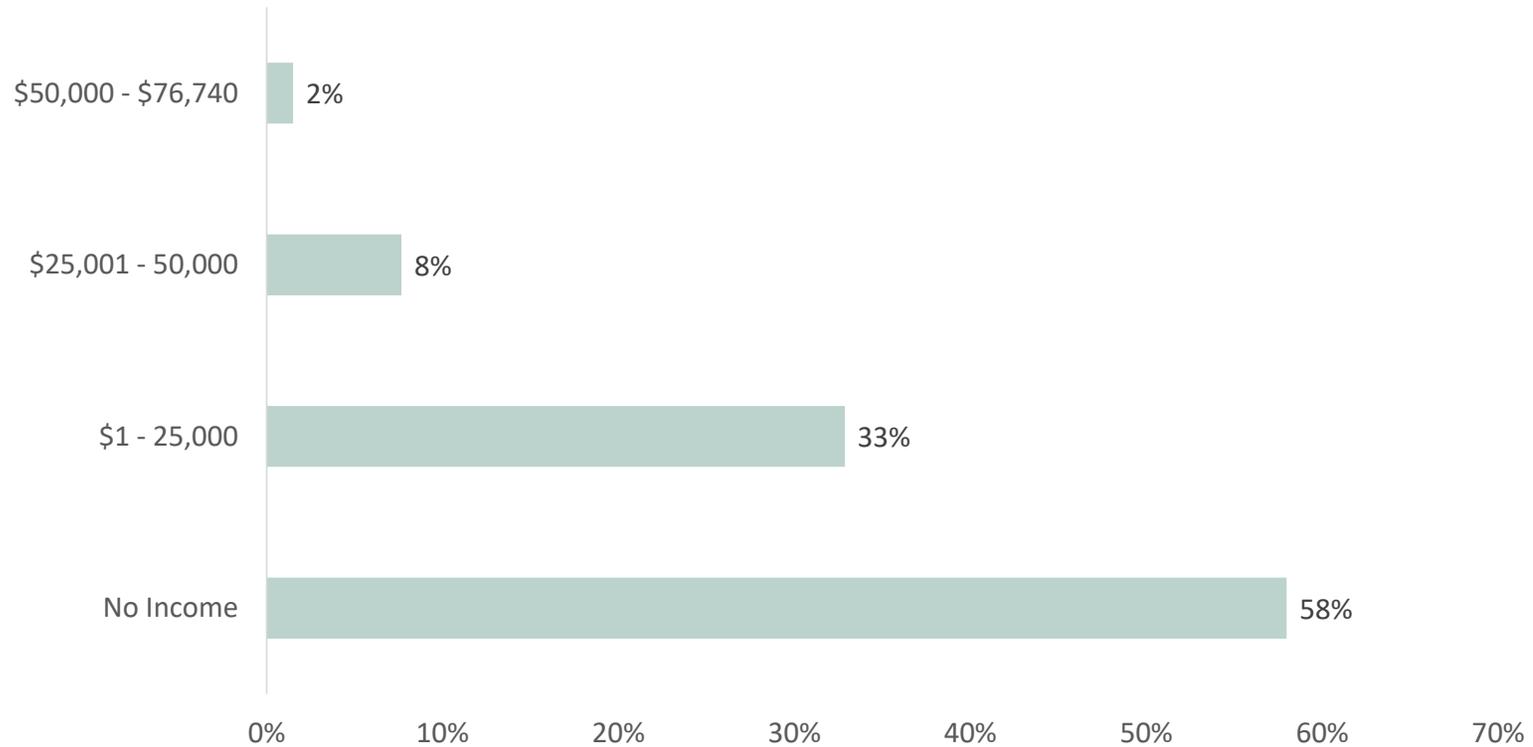


237



1,035

# Income of program participants



# Cities where program participants live

