

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

Meeting No. 41

<b>Date:</b> Friday, October 14, 2022  <b>Time:</b> 9:00 A.M.	<b>Join by Webinar:</b> <a href="https://us02web.zoom.us/j/85455051297?pwd=aEFyL2FIdEFESE9KZnlVQlpWdExOdz09">https://us02web.zoom.us/j/85455051297?pwd=aEFyL2FIdEFESE9KZnlVQlpWdExOdz09</a>  <b>Webinar ID:</b> 854 5505 1297 <b>Password:</b> 101422 <b>Join by Phone:</b> (669) 900-6833
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**Board of Directors:** Rico E. Medina (Chair), Alicia Aguirre (Vice Chair), Diane 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 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.40 dated September 16, 2022. ACTION p. 1
- 4.2 Review and approval of Resolution SCMEL 22-25 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. 8
- 4.3 Accept the Sources and Uses of Funds for the FY22 Period Ending June 30, 2022. ACTION p. 13
- 4.4 Accept the Sources and Uses of Funds for the FY23 Period Ending August 31, 2022. ACTION p. 15

## 5.0 REGULAR AGENDA

- 5.1 Receive update on the US 101 Express Lanes operations. INFORMATION p. 17

## 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

November 18, 2022

## 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 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

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

Meeting No. 40  
September 16, 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, Alicia Aguirre

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

**Members Absent:**

None.

**Staff Present:**

Sean Charpentier – Executive Council

Carter Mau – Executive Council

Mima Crume – Clerk

Tim Fox – Legal Counsel

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

Carter Mau, April Chan, Connie Mobley-Ritter – SMCTA staff supporting SMCEL-JPA

Matt Click, Lacy Vong, Christa Cassidy, Amanda Parham – HNTB

Other members of staff and the public were in attendance.

### **2.0 BRIEF OVERVIEW OF TELECONFERENCE MEETING PROCEDURES**

Clerk Crume provided an overview of the teleconference meeting procedures.

### **3.0 COVID-19 PANDEMIC STATE OF EMERGENCY**

3.1 Review and approval of Resolution SCMEL 22-23 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.

Director Beach MOVED to approve item 3.1. Director Horsley 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. 38 dated July 8, 2022. **APPROVED**

5.2 Approval of the minutes of Board of Directors regular business meeting No. 39 dated August 12, 2022. **APPROVED**

5.3 Information on Sources and Uses of Funds for the FY22 Period Ending June 30, 2022. **INFORMATION**

5.4 Accept the Sources and Uses of Funds for the FY23 Period Ending July 31, 2022. **APPROVED**

Director Derwin MOVED to approve the consent agenda. Director Beach SECONDED. Roll call was taken. **MOTION CARRIED 6-0-0**

#### 6.0 REGULAR AGENDA

6.1 Approve SMCEL Resolution 22-24 adopting proposed changes to the express lanes toll violation penalties, setting the amounts at \$10 and \$20 for the first and second notice (for a total of \$30 after the second notice). **APPROVED**

The Board received a presentation on the Revision to Toll Violation Penalties. Two types of violations can occur in the express lanes. The first type is a violation of the declared occupancy on a FasTrak transponder. The second type of violation takes place when the toll system captures a vehicle without a FasTrak transponder/account traveling in the lane. On October 21, 2021, the Bay Area Toll Authority (BATA) approved a reduction in penalties for BATA operated bridge crossing violations to \$5 + \$10. The proposed violation penalties would be set at \$10 and \$20 for the first and second notices (for a total of \$30 after two notices). The express lane operator across the region is taking this reduce penalty amount to their respective boards for action. Upon approval, the reduced penalties

would take effect on October 3, 2022. BAIFA has approved the new penalty amount in their July 2022 meeting. Other regional partners and express lanes operators have adopted the new amended penalty amount earlier this month.

Director Beach asked what would happen after the third violation and is there a consequence that escalates from there. Kaki Cheung said yes, there is a resolution process, and the customer service center could work with the violator. If the violation does not get addressed, a DMV hold can be placed on the vehicle. Staff will be coming back in the future months to talk about Assemblymember Ting's bill. If signed by the Governor, violators that meet certain eligibilities can have access to a payment plan.

Public member Drew asked if there is a third violation notice. He also inquired what would happen if the violator repeated the violations during different days of the week. If a violator utilizes the express lane multiple times, the violator would get multiple toll violation notices. Lacy Vong chimed in and said for the express lanes, unlike the bridge, there is only two notices for violations and not a third notice. If the second notice isn't paid after 21 days, the customer service center would escalate that to the DMV. When a vehicle owner tries to renew his/her registration, the owner would see the amount of the violation penalties and a hold on their account.

Director Papan asked on how does one get a transponder if they don't have a credit card.

Lacy Vong responded that there are cash payment network throughout the Bay Area. FasTrak and BATA has partnership with retailers where one could go to specific kiosks to pay with cash.

Director Beach thought the point of capping these violations was so that nobody could get more than \$30 worth of violations. It is clear now that the reduced penalties are \$10 + \$20, for a total of \$30 for one incident.

Lacy confirmed that it is the correct understanding.

Director Aguirre asked about the potential impact of the reduced penalties to the JPA budget.

Sean Charpentier responded and said the budget was based on what we saw in the first two months of operation. We don't have a lot of data to analyze what we're collecting in tolls versus penalties. We'll have a better idea next year after the northern segment open and we have more time and data to analyze what was paid in tolls and penalties.

April Chan added that at the time that the budget was put together, the primary focus was on toll revenues. The reason we wanted to lower the penalties was to encourage more people to sign up for the transponder, which could potentially increase our revenues.

Director Aguirre commented that the sign-up process may still seem challenging for the average person that do not have internet or a computer. The Director asked if there is a way to sign up for an account via phone, and that translation service is offered.

Sean said that MTC has been working on this equity issue and recently adopted changes to their business practices, which made it easier for the non- bank to access transponders. The cost was reduced and made it easier. Staff could come back at a future meeting to discuss what MTC did and what staff members are seeing.

Lacy added that through the customer service center, people can call an 800 number and a customer service agent can sign the user up over the phone. The service representative can also help them identify cash payment network locations in their area. The center has also increased the number of customer service agents so that people could get through faster, and it is multilingual.

Director Horsley wanted to know if there was a way to limit the total amount that one person might have to pay.

Director Papan added if there is a discretion along the way that the back office might interject or should there be a cap.

Sean said that we are in discussions with express lanes operators throughout the Bay Area. A legislation is on the governor's desk, AB2594 sponsored by Assemblymember Ting. The proposed bill establishes the guidelines for a payment plan to address many of these issues. We anticipate that it will be signed by the governor and that would require the bridges to have adopted payment plans in place by July of next year. The express lanes operators will have until the following July of 2024 to have payment plan options. Staff is currently in discussions with both BATA and the express lane operators to discuss timing and details.

Director Beach commented that the penalty reduction is absolutely the right thing to do. These are not incidents where people are deceiving the occupancy intentionally. She hopes that the notices will be sent in multiple languages. Also, during the last discussion on fees, the question of whether or not the reduced penalty would cover the cost of processing the violation was asked, and the answer is yes. The Director thinks it is the responsible thing to do and it's not cutting into the operational cost.

Director Beach MOVED to approve item 6.1. Director Horsley SECONDED. Roll call was taken. **MOTION CARRIED 6-0-0**

6.2 Receive Update on the Community Transportation Benefits Program.  
INFORMATION

The Board received an update presentation on the Community Transportation Benefits Program and marketing plan. The Policy/Program Manager, in

consultation with SMCEL-JPA staff, developed a detailed marketing plan in an effort to increase Program awareness among qualified residents across San Mateo County.

- 6.3 Receive a presentation on the status of the outstanding 2020 Variable Rate Demand Bonds used to fund a portion of the SMCEL-JPA Express Lanes project.

#### INFORMATION

The Board received a presentation on the US101 Express Lanes, an update on Variable Rate Bond.

April Chan mentioned that this is specifically related to how the recent financial markets may be impacting the amount of payment that we need to make to the bond.

Director Papan asked about the variable rate vs. fixed rate slide.

Connie Mobley explained that the SIFMA rate is the short-term variable note rate. The SIFMA rate currently is at 1.44%. California variable rate bonds generally run under the SIFMA rate because there is a high demand for California bonds regardless of its variable status. SIFMA rate is below our expectation for 2022. The actual rate being paid is on average well under 1%.

Director Papan asked if we had something that would say what we're paying now compared to where we started.

Connie said the historical average in April was 12 basis points. Right now, the weekly rate was 12 basis points. The overall average is 67 basis points. The average through June was 7 basis points, it is now 39 basis points.

Director Papan suggested that we have a chart that shows what we're paying now.

Director Beach commented that she's comforted that the presentation showed that the variable choice was the right one, that we're still saving money and it provides us flexibility to pay back early. The financial data shows how fluid the market is, and these rates have significant financial impacts on both the JPA and the Transportation Authority. The Director asked at what interest rates would start to cause us concerns.

Connie answered when rate reaches 4 to 4.1%, the agencies may be concerned.

Public Member Drew, asked which is the 4%, is it the federal or SIFMA.

Connie said that it is the all-in cost for the bonds. When that hits 4.1%, then we would be concerned. They would completely utilize this capitalized interest fund. The expectation is that the rate is not going to get there, but staff will watch it very carefully every day.

Director Beach commented that she thinks it's very important for us to watch this and hopefully see these lanes continue to be sustainable. At her commute.org



meeting, an interesting presentation on hybrid offices is sort of the new normal. In this particular survey, mostly San Francisco based companies are stating that only 2/3 of those office workers are likely to go into the office no more than 3 days a week. The primary commuting days are Tuesday, Wednesday, Thursday. The Director believes that this will be a very interesting trend for us to monitor.

6.4 Receive Update on the US 101 Express Lanes operations and policy options related to toll revenue. INFORMATION

The Board received a presentation on the US 101 Express Lanes operations and policy options related to toll revenue.

Director Horsley asked what is the potential technology systems that are available for enforcement.

Matt said that in most instances across the Bay Area and the country, hardware systems are installed in the field, and there are software systems to detect the number of people in the vehicle. In the Bay Area, MTC is conducting two pilots, one is hardware-based systems, with cameras and radar. A software-based technology where people have to use their phone to declare occupancy is being tested as well. It's a software-based solution.

Public Member Drew asked out of the 35% image-based transactions, 50% have FasTrak accounts and 50% are violations. Is there are breakdown of those image-based transactions.

Matt said this information hasn't been pulled specifically, it is something that staff will investigate. Lacy chimed in and said it's two different systems that actually need to talk to each other. Both systems are under the MTC umbrella, but they're different organizations. One is in the lane that picks up the image-based transactions, and then the reconciliation happens after it goes to the FasTrak customer service center.

Carter Mau has asked if the team can put together a comparison information with other toll lanes in the Bay Area. It is very important to learn from other operators and adjust when necessary.

## 7.0 REPORTS

a) Chairperson Report.

None.

b) Member Communication.

None.

c) Executive Council Report - Executive Council Verbal Report.

None.

d) Policy/Program Manager Report.

None.

#### 8.0 WRITTEN COMMUNICATIONS

None.

#### 9.0 NEXT REGULAR MEETING

October 14, 2022

#### 10.0 ADJOURNMENT – 10:32 a.m.

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

Date: October 14, 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 22-25 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 22-25 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 22-25

## RESOLUTION SMCEL 22-25

**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 14TH DAY OF OCTOBER, 2022.**

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***Rico E. Medina, Chair***

# San Mateo County Express Lanes Joint Powers Authority

## Agenda Report

Date: October 14, 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 FY22 Period Ending June 30, 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 FY22 Period Ending June 30, 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 June year-to-date, the Total Sources of Funds are \$4,286,775, which primarily represent the loan advances for FY22 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. The Sources of Funds also include the Toll Revenue from the Express Lanes on US 101 between the Santa Clara County line and Whipple Avenue in Redwood City, which officially opened on February 11, 2022, and the Allocated Bond Funds for San Mateo 101 Express Lanes Equity Program administration. Actual toll revenues collected as of June 30, 2022 were \$1,759,533 with a budget of \$5.3 million and the actual Allocated Bond Fund Proceeds were \$214,950 with a budget of \$504,000.

Year to Date Uses of Funds: As of June year-to-date, the Total Uses of Funds are \$3,429,976. Major expenses are in the categories of consultant costs (\$859,330), staff support costs (\$667,210), toll operations and maintenance costs (\$655,097), Fastrak customer service cost (\$566,148), equity program administration costs (\$214,950), and insurance costs (\$201,083).

Budget Amendment: There are no budget amendments for the month of June 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 2022 (June 2022)



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

**Preliminary**

		ACTUAL	BUDGET
		As of 6/30/22	Annual
<b>SOURCES OF FUNDS:</b>			
1	Toll Revenue	\$ 1,759,533	\$ 5,300,000
2	Allocated Bond Funds	214,950	504,000
3	Advance from the City/County Association of Governments of San Mateo County	924,546	1,314,045
4	Advance from the San Mateo County Transportation Authority	1,387,746	1,407,115
5	<b>TOTAL SOURCES OF FUNDS</b>	<b>\$ 4,286,775</b>	<b>\$ 8,525,160</b>
<b>USES OF FUNDS:</b>			
6	Staff Support	\$ 667,210	\$ 689,030
7	Administrative Overhead	48,709	45,540
8	Seminar/Training & Business Travel	3,892	10,000
9	Audit and Related Service	7,840	16,160
10	Office Supplies	-	3,000
11	Printing and Information Svcs	833	5,000
12	Legal Services	36,179	60,000
13	Consultant	859,330	1,779,707
14	Maintenance	39,841	222,400
15	Toll Operations and Maintenance	655,097	2,161,500
16	Fastrak Customer Service	566,148	680,000
17	Express Lane Enhanced Enforcement	30,562	125,000
18	Equity Program Administration and Costs	214,950	504,000
19	Insurance	201,083	186,648
20	Miscellaneous	98,302	83,200
21	<b>TOTAL USES OF FUNDS</b>	<b>\$ 3,429,976</b>	<b>\$ 6,571,185</b>
22	<b>PROJECT SOURCES OVER USES</b>	<b>\$ 856,800</b>	<b>\$ 1,953,975</b>

**Additional Information:**

Loan payables to the City/County Association of Governments of San Mateo County	\$ 2,337,397
Loan payables to the San Mateo County Transportation Authority	\$ 3,188,424

# San Mateo County Express Lanes Joint Powers Authority

## Agenda Report

Date: October 14, 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 August 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 August 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 August year-to-date, the Total Sources of Funds are \$1,056,944, 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. The Carryforward Balance for FY22 will be added once the fiscal year audit concludes. Actual toll revenues collected as of August 31, 2022 are \$811,044 with an annual budget of \$4.5 million. The loan advances for 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 \$53,791.

Year to Date Uses of Funds: As of August year-to-date, the Total Uses of Funds are \$869,251. Major expenses are in the categories of fastrak customer service costs (\$276,748), toll operations and maintenance costs (\$276,589), and insurance costs (\$203,777).

Budget Amendment: There are no budget amendments for the month of August 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 (August 2022)

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

		ACTUAL	BUDGET
		As of 8/31/22	Annual
SOURCES OF FUNDS:			
1	Toll Revenue	\$ 811,044	\$ 4,460,000
2	Allocated Bond Funds	-	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	20,131	1,350,000
6	Advance from the San Mateo County Transportation Authority	33,660	1,915,185
7	Additional advance from SMCTA	-	622,667
TOTAL SOURCES OF FUNDS		\$ 1,056,944	\$ 9,574,961
USES OF FUNDS:			
8	Staff Support	\$ 63,754	\$ 839,628
9	Administrative Overhead	16,157	106,055
10	Seminar/Training & Business Travel	-	20,000
11	Audit & Bank Fees	400	15,160
12	Office Supplies	-	3,000
13	Printing and Information Svcs	-	5,000
14	Promotional Advertising	-	50,000
15	Utilities	3,792	50,000
16	Software Maintenance & License	20,236	32,000
17	Legal Services	-	60,000
18	Consultant	-	1,811,000
19	Express Lane Maintenance	-	444,000
20	Toll Operations and Maintenance	276,589	2,751,000
21	Fastrak Customer Service	276,748	1,885,500
22	Express Lane Enhanced Enforcement	-	215,000
23	Equity Program Administration and Costs	-	1,035,000
24	Insurance	203,777	228,218
25	Miscellaneous	7,798	24,400
26	TOTAL USES OF FUNDS	\$ 869,251	\$ 9,574,961
27	PROJECT SOURCES OVER USES	\$ 187,693	\$ -

**Note:**

\* Represents FY21 Operating Surplus. FY22 Carryforward Balance from SMCTA & CCAG will be added after FY22 audit is completed.

**Additional Information:**

Loan payables to the City/County Association of Governments of San Mateo County	\$	2,360,224
Loan payables to the San Mateo County Transportation Authority	\$	3,225,762

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

Date: October 14, 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 further information please contact Matthew Click, Policy/Program Manager, [MClick@hntb.com](mailto:MClick@hntb.com))

### RECOMMENDATION

Receive update on the US 101 Express Lanes operations. No Board action is required.

### FISCAL IMPACT

There is not any 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 express lanes are still in a ramp-up phase and performing well.

Below are operational highlights through August 31, 2022:

- The average potential daily revenue for the southern segment during this period was \$22,602. 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 per Day
February 11-28	12	\$187,233	\$15,603
March 1-31	23	\$463,046	\$20,132
April 1-30	21	\$369,080	\$17,575

<b>May 1-31</b>	21	\$404,106	\$19,243
<b>June 1-30</b>	22	\$415,042	\$18,866
<b>July 1-31</b>	20	\$360,709	\$18,035
<b>August 1-31</b>	23	\$519,847	\$22,602
<b>Total to Date</b>	142	2,719,063	\$19,148

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

<b>Period</b>	<b>Southbound</b>	<b>Northbound</b>
<b>February 11-28</b>	\$1.17	\$0.74
<b>March 1-31</b>	\$1.56	\$0.83
<b>April 1-30</b>	\$1.23	\$0.80
<b>May 1-31</b>	\$1.23	\$0.89
<b>June 1-30</b>	\$1.31	\$0.84
<b>July 1-31</b>	\$1.25	\$0.82
<b>August 1-31</b>	\$1.57	\$0.85
<b>Avg Since Opening</b>	\$1.39	\$0.84

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

<b>Period</b>	<b>Number of Tolling Days</b>	<b>Average Daily EL Volume</b>		<b>% Change from Previous Month</b>	
		<b>Northbound</b>	<b>Southbound</b>	<b>Northbound</b>	<b>Southbound</b>
<b>February 11-28</b>	12	11,239	9,589	-	-
<b>March 1-31</b>	23	12,281	10,423	+9.3%	+8.7%
<b>April 1-30</b>	21	13,172	10,755	+7.3%	+3.2%
<b>May 1-31</b>	21	14,273	11,154	+8.4%	+3.7%
<b>June 1-30</b>	22	14,042	11,042	-1.6%	-1.0%
<b>July 1-31</b>	20	13,802	11,119	-1.7%	+0.7%
<b>August 1-31</b>	23	14,641	12,285	+6.1%	+10.5%

- Compared to the month of July, average Express Lane trips saw an increase in August of 6.1% in the Northbound and 10.5% in the Southbound Direction. These increases may be attributed to schools starting

in the fall and more people are returning to the office.

- Express Lanes continue to operate at about 9 to 13 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 single occupant vehicle (SOV). Clean Air Vehicle (CAV) declarations represented the smallest portion of trips at about 1.7% in August.
- Potential Toll revenue had a sizeable increase in August at approximately \$520,000, representing a 44% increase over the month of July. Actual Cumulative revenue through August 2022 is approximately \$2.3 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 lane maintenance, and California Highway Patrol enhanced lane enforcement activities—is about \$1.8 million through the end of August 2022. The Toll O&M costs do not include agency overhead or any other administrative costs used to support the Express Lanes Program.

## **ATTACHMENT**

1. 101 Express Lanes Operations Dashboard

