

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

Meeting No. 39

Date: Friday, August 12, 2022 Time: 9:00 A.M.	Join by Webinar: https://us02web.zoom.us/j/84887114238?pwd=eU9qK1FUazFyU2h4NmJzWjVhMyt3dz09 Webinar ID: 848 8711 4238 Password: 081222 Join by Phone: (669) 900-6833
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Board of Directors: Rico E. Medina (Chair), Alicia Aguirre (Vice Chair), Emily Beach, Maryann Moise Derwin, Don Horsley and Diane Papan

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. 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 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.

ACTION p. 1

4.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

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

5.0 Receive update on the construction of San Mateo 101 Express Lanes Project. INFORMATION p. 6

6.0 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.

6.1 Approval of the minutes of Board of Directors regular business meeting No. 38 dated July 8, 2022. ACTION p. 35

6.2 Information on Sources and Uses of Funds for the FY22 Period Ending June 30, 2022. ACTION p. 40

7.0 REGULAR AGENDA

7.1 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). ACTION p. 41

7.2 Receive update on the US 101 Express Lanes operations. INFORMATION p. 51

8.0 REPORTS

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

9.0 WRITTEN COMMUNICATIONS

None.

10.0 NEXT REGULAR MEETING

September 9, 2022

11.0 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

Court yard, 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, 5th Floor, Redwood City, CA 94063, for the purpose of making public records available for inspection. Please note this location is temporarily closed to the public; please contact Mima Crume at 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.
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 Agenda Report

Date: August 12, 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 22-23 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.

(For further information please contact Timothy Fox at tfox@smcgov.org)

RECOMMENDATION

Review and approval of Resolution SMCEL 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.

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 22-23

RESOLUTION SMCEL 22-23

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 12TH DAY OF AUGUST, 2022.

Rico E. Medina, Chair

San Mateo County Express Lanes Joint Powers Authority Agenda Report

Date: August 12, 2022

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

From: Executive Council

Subject: Receive update on the construction of San Mateo 101 Express Lanes Project

(For further information contact Van Dominic Ocampo at vocampo@smcgov.org)

Recommendation

That the SMCEL-JPA Board of Directors receive a presentation and update on the construction of San Mateo 101 Express Lanes Project. No Board action is required.

Fiscal Impact

This is an information item only. There is no fiscal impact related to receiving the information.

Source of Funds

N/A

Background

This San Mateo 101 Express Lanes Project (Project) will create 44 miles (22 miles in each direction) of new express lanes along the US 101 between the San Mateo - Santa Clara County Line and Interstate 380 (I-380) in South San Francisco. The goal is to reduce congestion, increase person throughput and improve travel time reliability for motorists on US 101 by incentivizing the use of public transit, carpools, and other shared-ride options. It will still allow access to solo motorists for the full toll price, while carpools of two persons and clean air vehicles will be charged a reduced toll.

The Project is being constructed in two segments; the southern segment from the San Mateo/Santa Clara County Line to Whipple Avenue in Redwood City, and the northern segment from Whipple Avenue to Interstate-380 in South San Francisco. The work within the southern segment was completed in early 2022 and toll operations began on February 11, 2022, together with the VTA segment.

For the northern segment, construction of the capital improvement is now 95% complete with only 85% of the construction time elapsed. Work is now focused on addressing the punchlist items on the capital improvement side, while installation of the Toll Facility continues. Based on current schedules,

toll commencement for the northern segment is supposed to begin the early part of next year.

Due to the magnitude of the project's footprint, cost and impacts to the traveling public and neighboring community, the Board has requested periodic updates on the project's progress and community outreach efforts.

ATTACHMENT

1. San Mateo 101 Express Lanes Project Update PowerPoint Presentation is available at:
<https://smcexpresslanes.org/about-4/bod/>

SM 101 EXPRESS LANES PROJECT

Quarterly Project Update



SMCEL-JPA Board Meeting August 12, 2022

SM 101 EXPRESS LANES PROJECT AGENDA



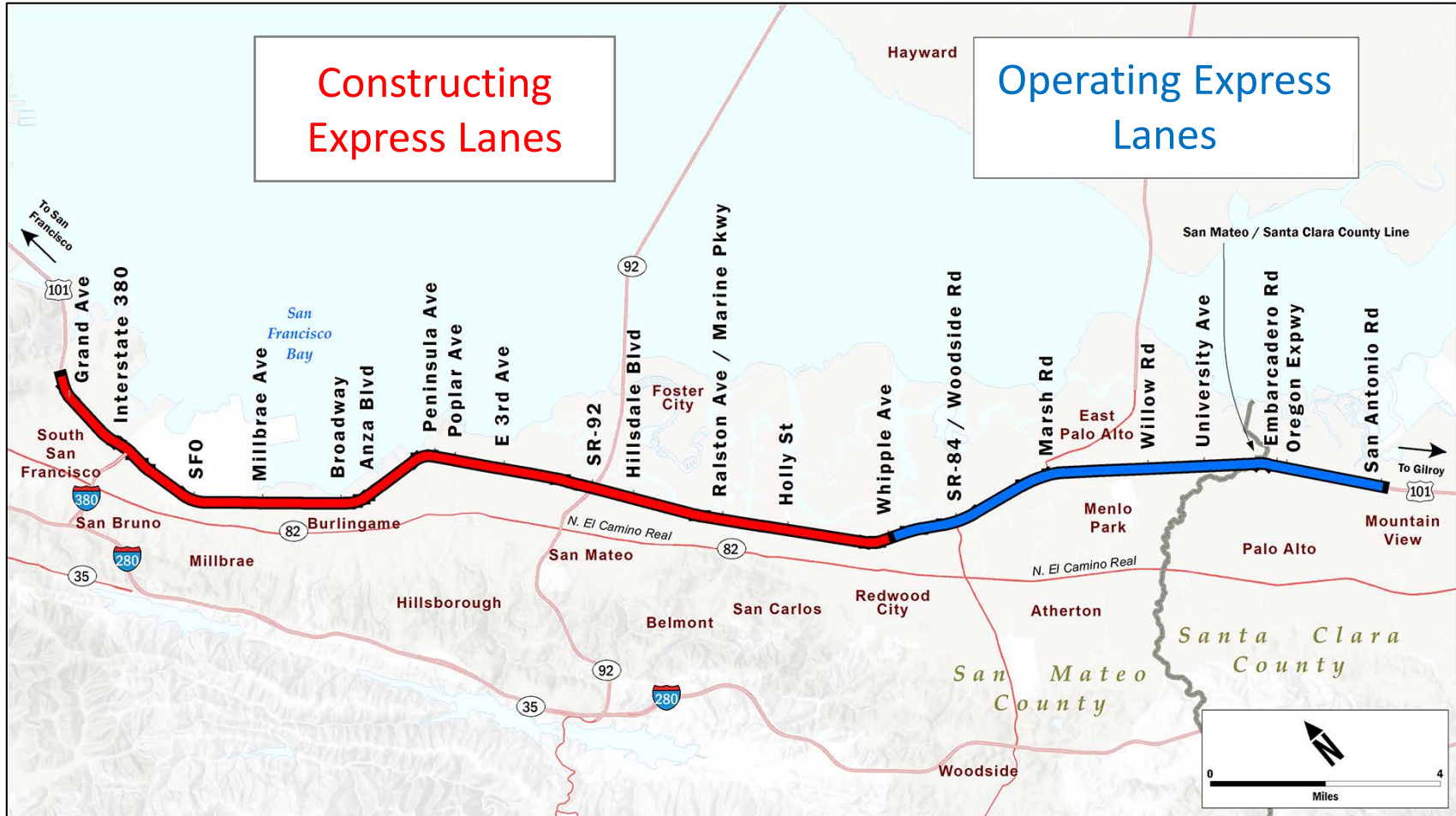
- Construction Progress
- Financial and Risk Status
- Project Spotlight – Opening the New Lanes
- Public Outreach Activities



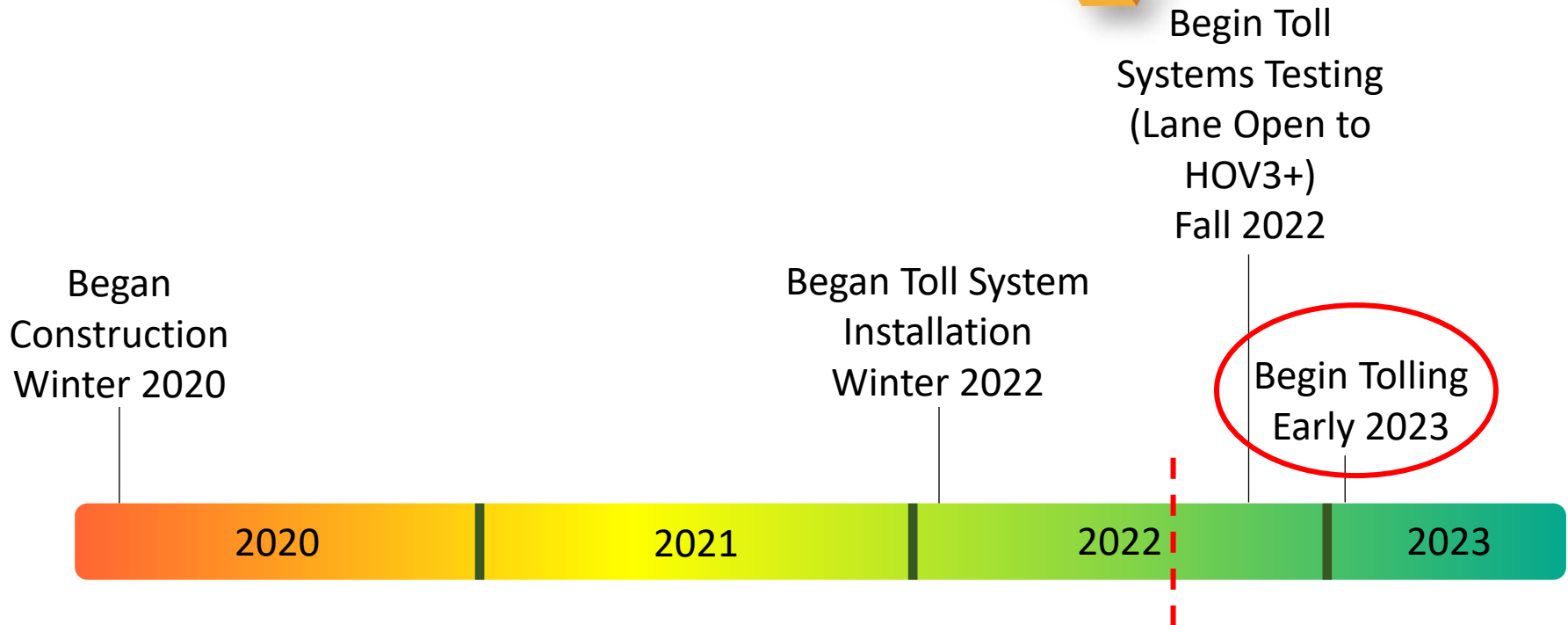
- **Construction Progress**
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- Public Outreach Activities

SM 101 EXPRESS LANES PROJECT

PROJECT LIMITS

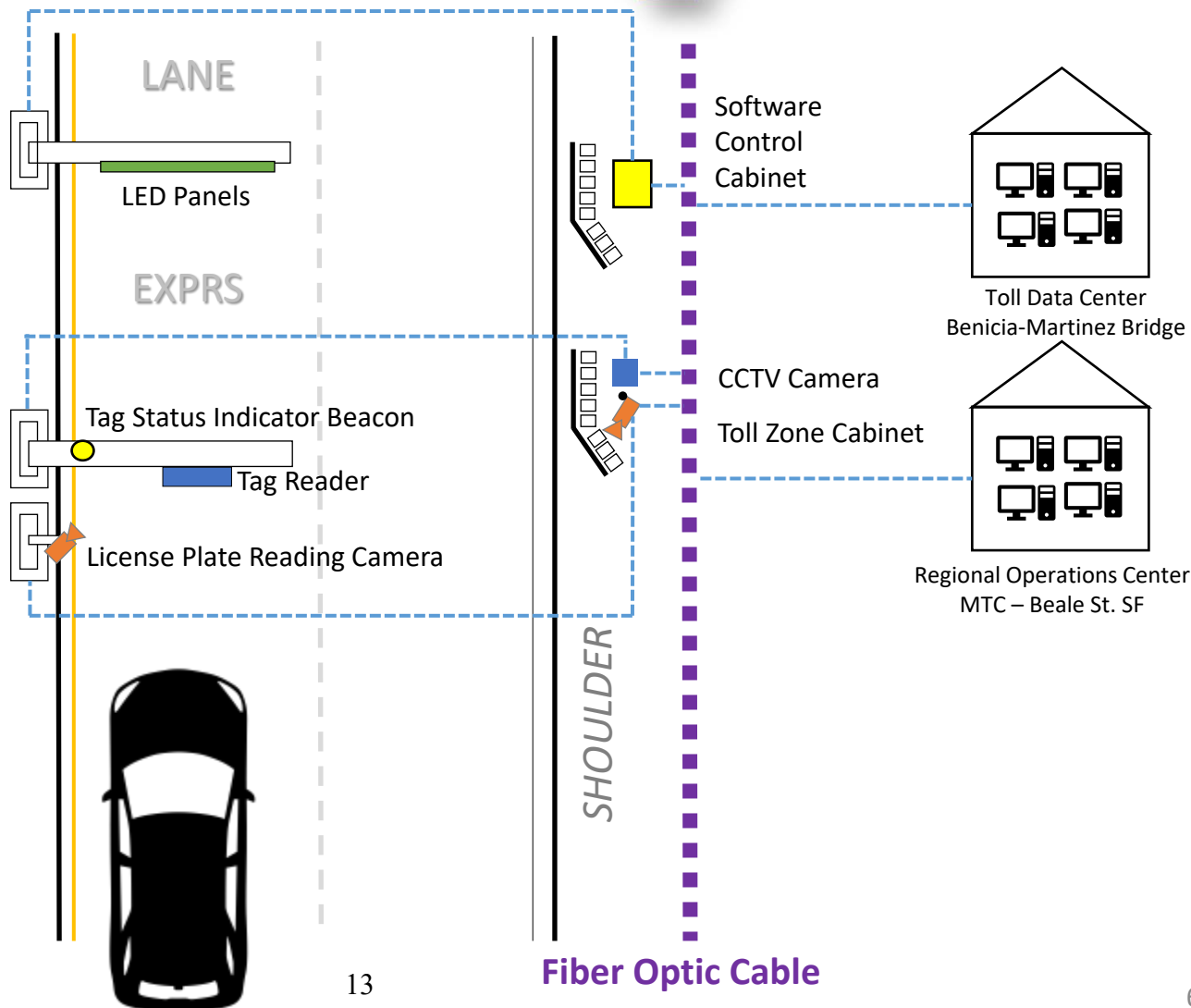
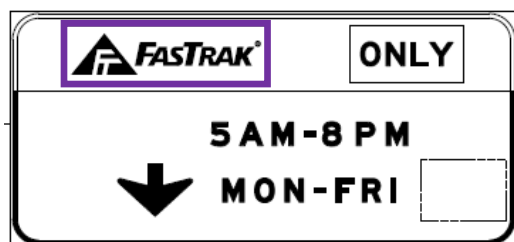


SM 101 EXPRESS LANES PROJECT PROJECT SCHEDULE (NORTH OF WHIPPLE)



SM 101 EXPRESS LANES PROJECT

KEY TOLL SYSTEM COMPONENTS



SM 101 EXPRESS LANES PROJECT

RECENT SCHEDULE CHALLENGES



- Fiber optic cable facility readiness
- Schedule complications resulting from paving operation
- Damage to fiber optic cable
- Fiber optic cable work sequencing issues
- High performance standard for fiber optic cable

SM 101 EXPRESS LANES PROJECT

SCHEDULE MITIGATION STRATEGIES



Fiber Readiness Plan:

- Mobilized a stronger and faster inspection effort earlier
- Kiewit mobilized their subcontractor to make repairs as quickly as possible
- TransCore's work temporarily paused to allow repairs and make handoff cleaner



Schedule Efficiency Plan:

- Integrated schedule to minimize future work conflicts
- Expedited review of Kiewit test information and results
- TransCore executed baseline cable testing in parallel with Kiewit's testing to avoid sequential delay
- TransCore bringing on additional crews to expedite splicing operation



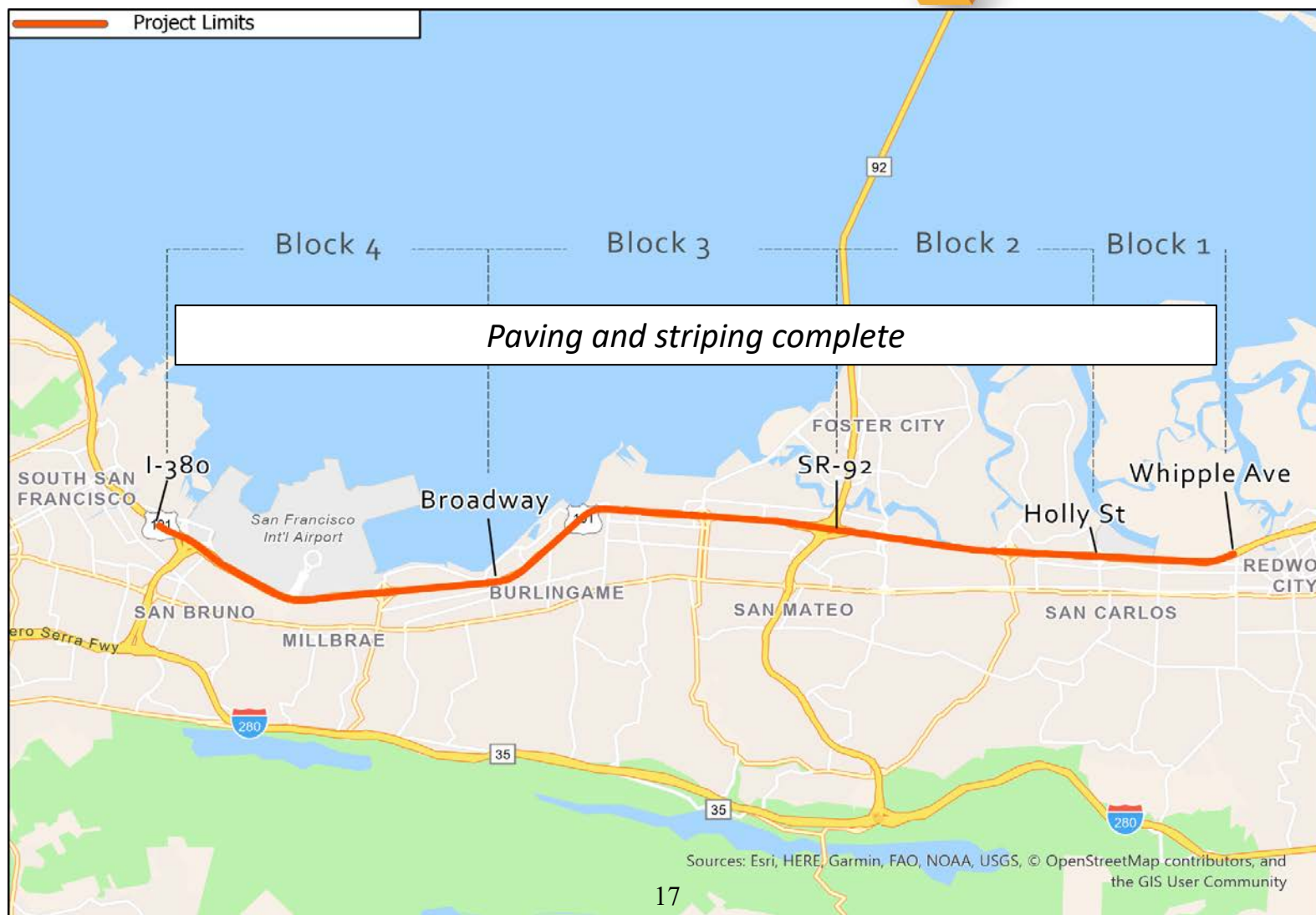


North of Whipple through July:

- \$317M of \$330M completed (96%) with 89% time elapsed.
- 150 lane-miles of SM-101 resurfaced (paving 100% complete).
- All overhead sign bridges installed.
- All striping complete.
- Final restriping completed on Bayshore Boulevard.
- Tolling equipment installed in Blocks 1 and 4.
- Fiber optic cable turned over for splicing in Blocks 1 – 4.
- 32 of 33 PG&E locations energized.

SM 101 EXPRESS LANES PROJECT

NORTH CONTRACT CONSTRUCTION BLOCKS



SM 101
EXPRESS LANES PROJECT
NORTH CONTRACT WORK COMPLETED



Sign Bridge Installation



SM 101 EXPRESS LANES PROJECT

NORTH CONTRACT WORK ONGOING



Toll System Installation





North of Whipple:

- Complete civil contract punch list
- Complete last PG&E service point energization
- Complete toll system equipment installation
- Connect all toll system equipment to fiber optic cable
- Test north segment express lanes



- Construction Progress
- **Financial and Risk Status**
- Project Spotlight – Opening the New Lanes
- Public Outreach Activities

SM 101 EXPRESS LANES PROJECT

CURRENT COST ESTIMATE - CONTRACT FOCUSED



Contract	Budget	Estimated Cost ⁽¹⁾	Variance	Expended as of 6/30/22 ⁽²⁾	Percent Expended	Percent Complete ⁽³⁾	Confidence ⁽⁴⁾
SM-101 Express Lanes Project Costs shown in millions of escalated dollars							
Environmental	20.39	20.28	(0.11)	20.19	99%	100%	●
Design & Right of Way	42.14	42.14	0.00	37.87	90%	90%	●
South Contract – Civil	74.81	74.81	0.00	74.47	99.5%	100%	●
North Contract - Civil	390.87	390.87	0.00	374.25	96%	95%	●
<i>North Contract – Civil</i>	<i>369.51</i>	<i>388.88</i>	<i>19.37</i>	<i>354.88</i>	<i>96%</i>	<i>95%</i>	●
<i>Project Contingency ⁽⁵⁾</i>	<i>21.36</i>	<i>1.99</i>	<i>(19.37)</i>	<i>19.37</i>	<i>91%</i>	<i>95%</i>	●
Toll System	48.12	48.12	0.00	19.50	40%	60%	●
<i>Toll System</i>	<i>43.44</i>	<i>44.52</i>	<i>1.08</i>	<i>18.42</i>	<i>42%</i>	<i>60%</i>	●
<i>Project Contingency ⁽⁵⁾</i>	<i>4.68</i>	<i>3.60</i>	<i>(1.08)</i>	<i>1.08</i>	<i>23%</i>	<i>60%</i>	●
Highway Planting	4.81	7.00	2.19	0.00	0%	0%	●
TOTALS	581.14	583.22	2.08	526.28	91%	94%	

(1) Estimated Cost represents current estimated cost to complete each contract.

(2) Expenditures include \$12M deposit against North Contract – Civil.

(3) Percent completes shown are based on qualitative assessment of physical % complete per milestones and schedule.

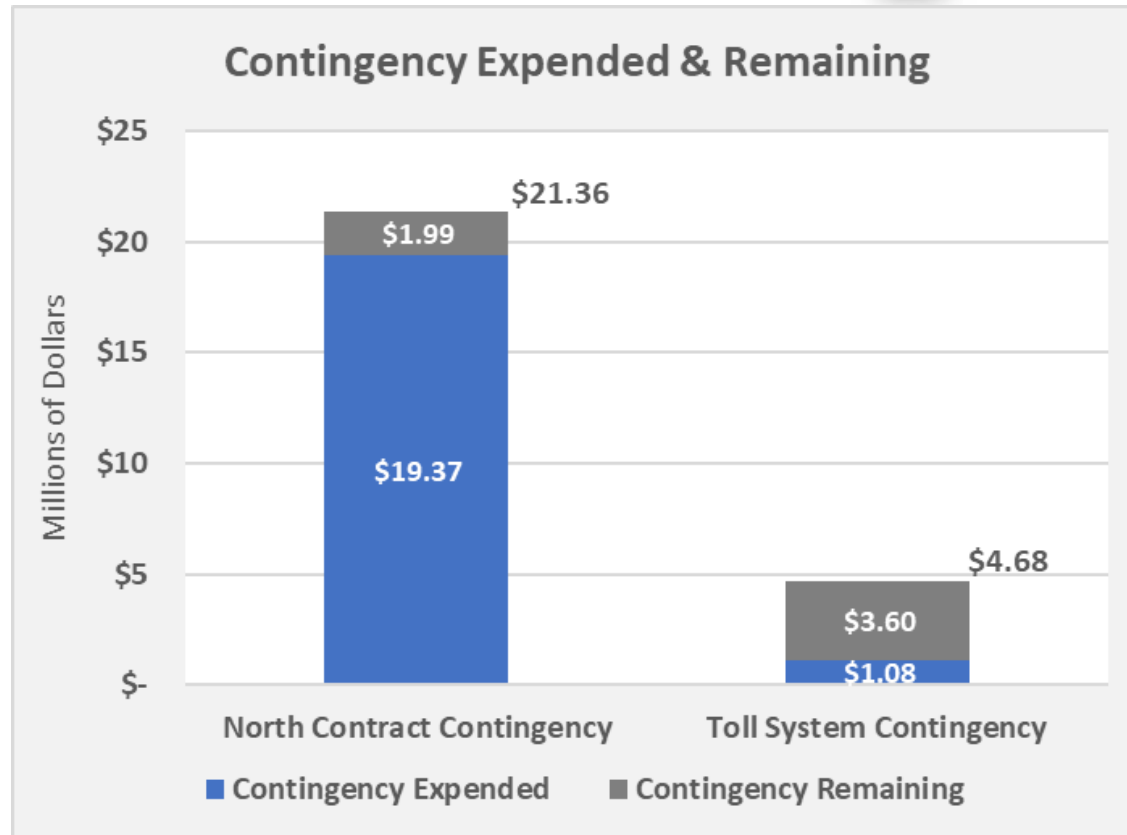
(4) ● = Within budget, ● = identified potential risks that may significantly exceed budget if not mitigated,

● = Known impacts to budget – changes forthcoming.

(5) Assume 100% utilization of Project Contingency in overall estimated cost of project; update since previous report: \$2.96M Supplemental North Contract - Civil savings moved to North Contract – Civil Project Contingency

SM 101 EXPRESS LANES PROJECT

CAPITAL CONTRACTS CONTINGENCY USE



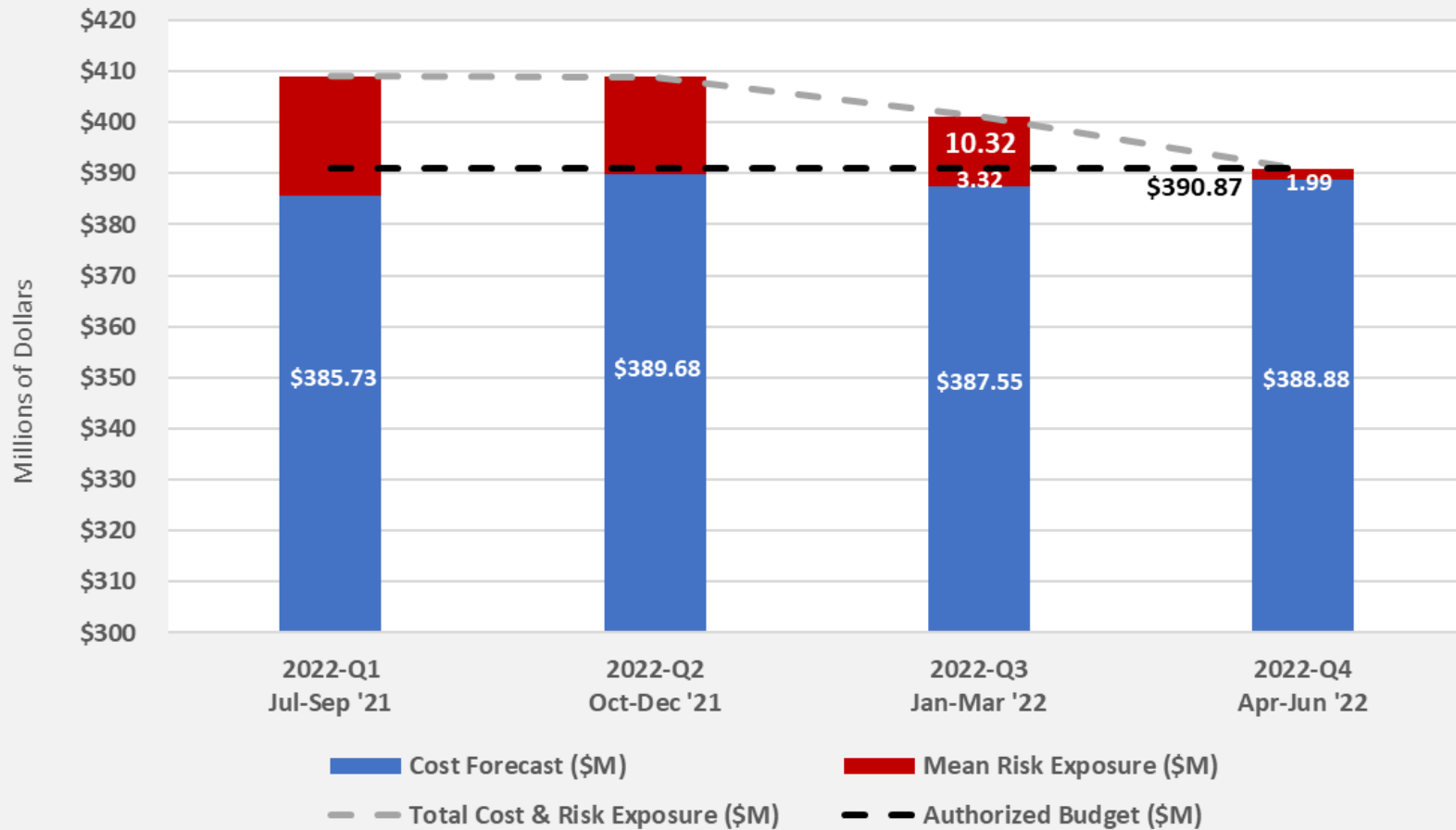
Contingency expended includes the following: Contract change orders for various reasons including, k-rail salvage, barrier foundation revisions, grade and drainage revisions, maintenance of landscape areas, misc. signage issues, and pavement corrections.

SM 101 EXPRESS LANES PROJECT

CIVIL CONTRACT RISK ASSESSMENT

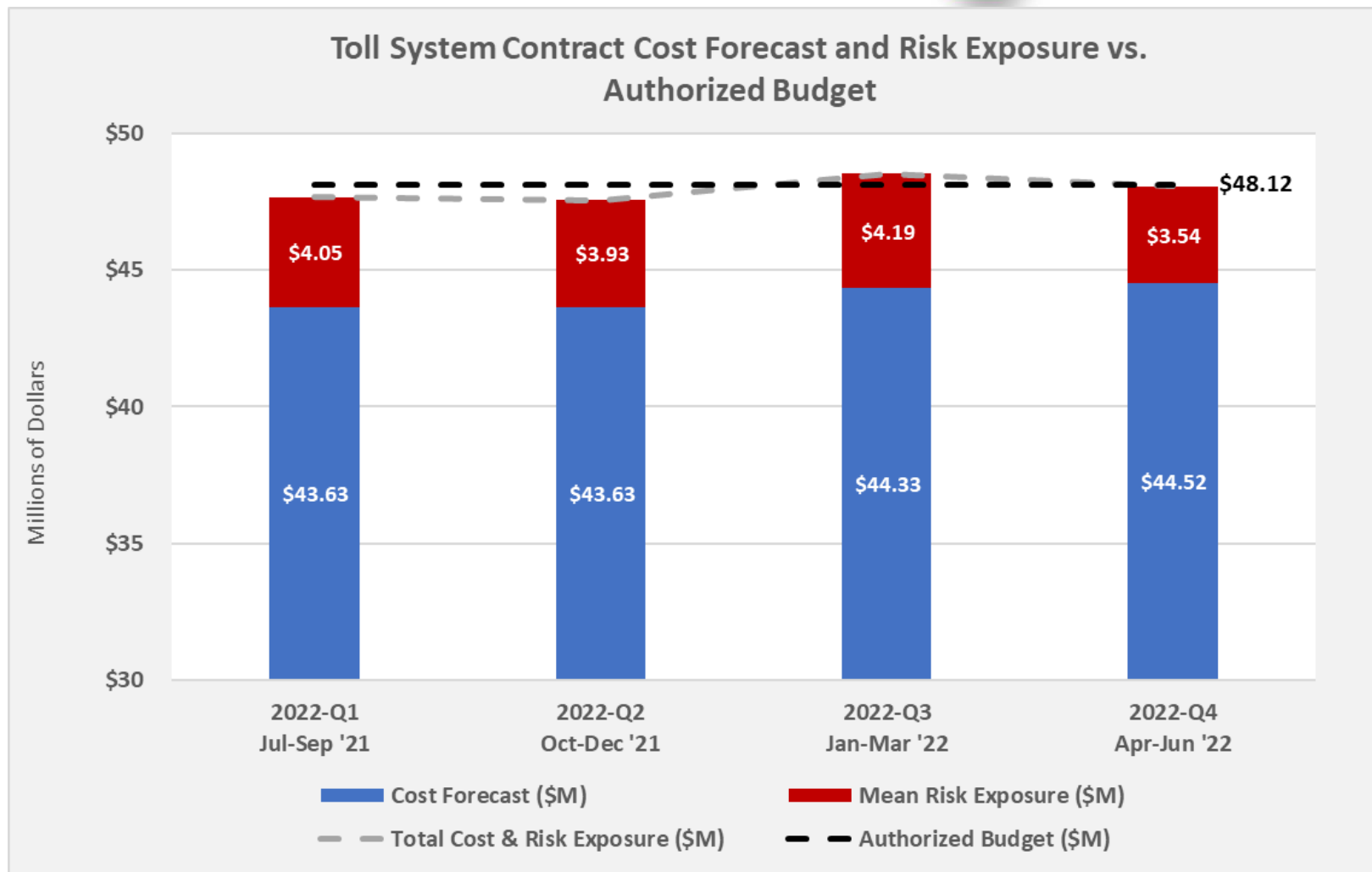


North Contract Cost Forecast and Risk Exposure vs. Authorized Budget



SM 101 EXPRESS LANES PROJECT

TOLL SYSTEM CONTRACT RISK ASSESSMENT

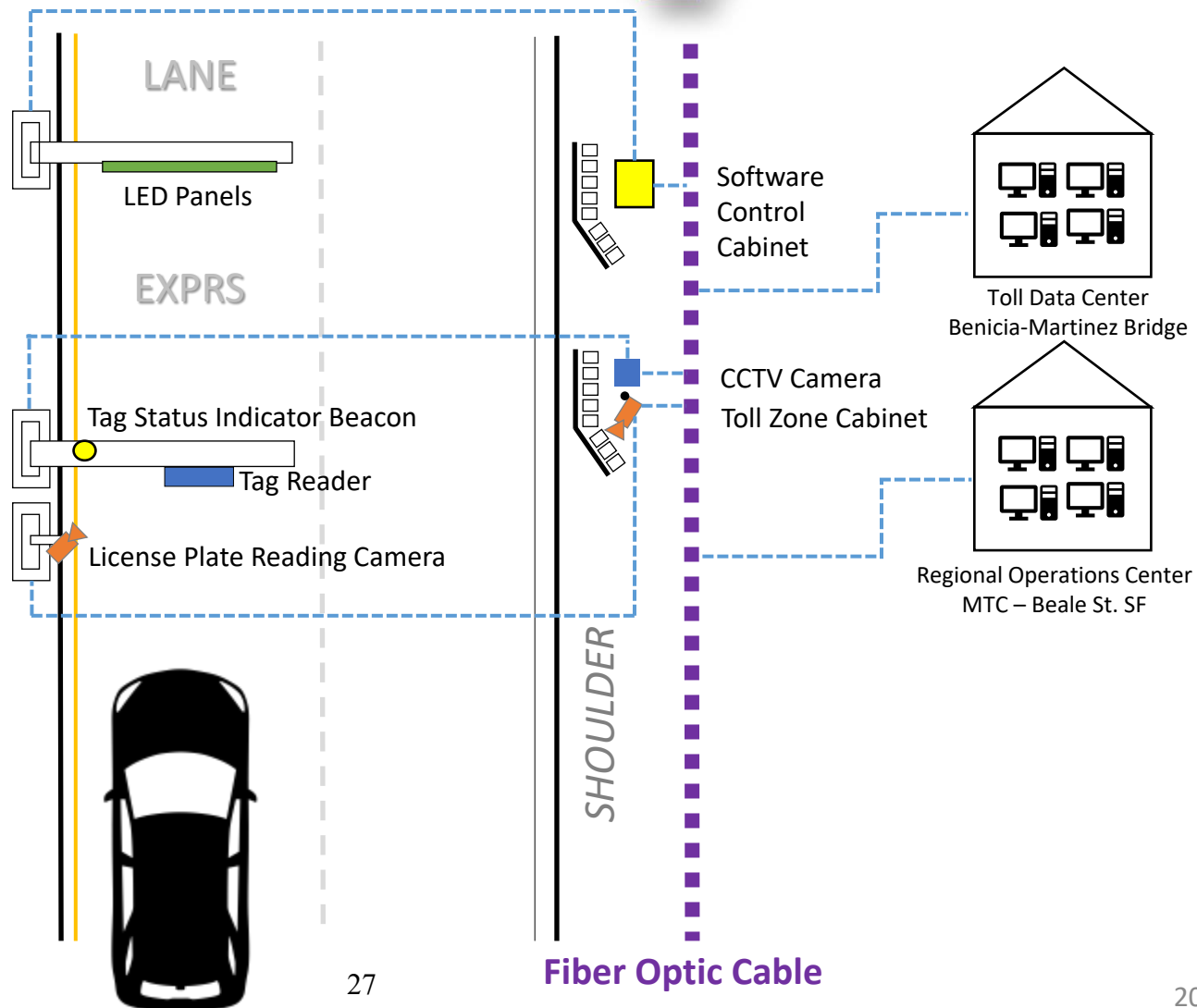




- Construction Progress
- Financial and Risk Status
- **Project Spotlight – Opening the New Lanes**
- Public Outreach Activities

SM 101 EXPRESS LANES PROJECT

TOLL SYSTEM INTEGRATION/TESTING



SM 101 EXPRESS LANES PROJECT

EXISTING LANE CONFIGURATION



SM 101 EXPRESS LANES PROJECT

LANE OPERATING MODES DURING TRANSITION



TODAY



LANE CLOSED

Channelizers and Barricades in Place

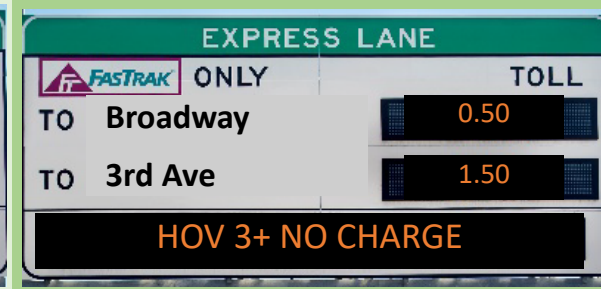


TOLL SYSTEM TESTING



HOV 3+ ONLY

EXPRESS LANE IN
HOV 3+ ONLY MODE



TOLLING

System Installation
SUMMER 2022

Toll System Testing
FALL 2022

Express Lane Operations
EARLY 2023

SM 101 EXPRESS LANES PROJECT

RISKS TO NORTH SEGMENT TOLL COMMENCEMENT



- Rain/Weather
- Installation Challenges
 - Damaged Equipment
 - Construction Errors
 - Lane Closure Conflicts
- Testing Failures
- Impact of holidays





- Construction Progress
- Financial and Risk Status
- Project Spotlight – Opening the New Lanes
- **Public Outreach Activities**

SM 101 EXPRESS LANES PROJECT TOLL SYSTEM TESTING OUTREACH



KEY MESSAGES:

- **HOV 3+ ONLY** During Toll Testing
- Visit 101ExpressLanes.org to learn to use SM101 Express Lanes

OUTREACH TOOLS:

- Quarterly Email
- Updated Caltrans project website
- Social Media (Twitter and Facebook)
- Traffic Advisory (for media)
- Portable Changeable Message Signs

TOLL SYSTEM TESTING



HOV 3+ ONLY

SM 101 EXPRESS LANES PROJECT

LANE OPENING OUTREACH



- **Public Information - 45 days before lane opens (tolling begins)**
 - On Corridor Signage
 - Regional websites (Caltrans, 511.org, FasTrak)
 - Social Media Messaging (Partners)
 - Press Release (with Caltrans & MTC)
 - Email Blast: Cities, Community, Business and Key Stakeholders
- **Marketing/Advertising - 30 days before/after lane opens (tolling begins)**
 - Collaboration with MTC (511.org, FasTrak)
 - Digital/Social
 - Radio
 - Multi-lingual outreach





Questions?

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

Meeting No. 38
July 8, 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: Diane Papan, Rico Medina (Chair), Alicia Aguirre (Vice Chair), Emily Beach, Maryann Moise Derwin, and Don Horsley

1.0 CALL TO ORDER/ ROLL CALL

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

Members Present:

C/CAG Members:

Diane Papan, Alicia Aguirre, Maryann Moise Derwin

SMCTA Members:

Don Horsley, Emily Beach, Rico 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, Joe Hurley, Grace Martinez, – SMCTA staff supporting SMCEL-JPA

Lacy Vong, Christa Cassidy – 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 PUBLIC COMMENT

Note: Public comment is limited to two minutes per speaker. Public comment permitted on both items on the agenda and items not on the agenda.

Clerk Crume reported that there were not any public comments submitted before the meeting. No public comment was made at the meeting.

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 Review and approval of Resolution SMCEL 22-22 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**
- 4.2 Approval of the minutes of Board of Directors regular business meeting No. 37 dated June 10, 2022. **APPROVED**
- 4.3 Accept the Sources and Uses of Funds for the FY22 Period Ending May 31, 2022. **APPROVED**
- 4.4 Review and approval of Resolution SMCEL 22-17 and Resolution SMCEL 22-18 authorizing the SMCEL-JPA Chair to execute the Third Amendments of the Cooperative Funding Agreements (Operating Loan) with the City/County Association of Governments of San Mateo County (C/CAG) and the San Mateo County Transportation Authority (SMCTA), for \$1,350,000 and \$2,537,852, respectively. **APPROVED**
- 4.5 Review and approval of Resolution SMCEL 22-19 approving the License Agreement between the City of South San Francisco and SMCEL-JPA for Express Lanes Toll facilities within the City Rights of Way. **APPROVED**
- 4.6 Review and approval of Resolution SMCEL 22-20 approving the Permanent Encroachment Permit with the City of Belmont for Express Lanes Toll facilities within the City Rights of Way. **APPROVED**
- 4.7 Review and approval of Resolution SMCEL 22-21, ratifying the purchase of Commercial General Liability Insurance and Public Officials Liability Insurance policies for 12 months at a not to exceed amount of \$131,067. **APPROVED**

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

5.0 REGULAR AGENDA

5.1 Receive a presentation on proposed reductions to the toll violation penalties. INFORMATION

The Board received a presentation on proposed reductions to the toll violation penalties.

Director Horsley inquired about how citations would work and clarifications on CHP's responsibilities. Sean responded that toll violations are checked through a reader system using license plate information, and CHP enforces violation related to the HOV occupancy. The penalty for HOV violation is \$491.

Director Beach asked if the proposed penalty of \$10 covers the cost of processing the violations. Sean Charpentier responded yes. Van Ocampo noted that the processing cost is between \$1.00 to \$1.50.

Chair Medina asked what options are available if other agencies choose not to go forward with this new proposal. Sean said that the decision would be up to the agency. Because San Mateo County shares a border with Santa Clara County, consistency with VTA on the toll penalty across the county line would be desirable. If VTA doesn't implement the same violation penalty, it would be more challenging.

Public member Drew commented that his impression is the penalty is about not paying the toll.

Stephen Wolf, Assistant Director with the Bay Area Infrastructure Financing Authority (BAIFA), commented that each agency may have different interests in what the penalty amounts should be. It has been a challenging process to reach agreements and it's a decision that each board has to make. The Commission recognizes these challenges and has agreed to be consistent with other operators regionally.

Lacy Vong clarified that if a user uses FasTrak on a bridge, the user will get an invoice and have 21 days to pay. In order to use the express lanes, a FasTrak transponder is required. If a motorist makes the decision to get into the express lanes and do not have a FasTrak account, it is then considered a toll violation.

Director Beach commented that for first-time violators who do not have a FasTrak account but decides to sign up, the toll violation penalty is then waived.

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

The Board received an update on the US 101 Express Lanes operations.

Vice Chair Aguirre asked about the locations of seven core agencies. Christa Cassidy responded that the core agencies are located in South San Francisco,

Pacifica, San Mateo, Pescadero, Redwood City, El Granada and East Palo Alto and Daly City.

Director Beach commented on the Clipper cards that were distributed as part of the Community Transportation Benefits program. Director Beach asked if the participants are signing up for Clipper Start at the same time, or are the Clipper card values getting loaded onto existing clipper cards. Cassidy responded that this data is not available, the Clipper start program has its own screening tool for eligibility.

Director Beach added that the team should be tracking the estimated operating costs on the dashboard, in addition to potential revenues.

Director Papan asked if there is staff who would assist a user in registering for the Clipper Start program. Cassidy responded that the Samaritan House staff provided users with Clipper Start enrollment materials. If a user wishes to sign up for FasTrak, a staff will help with registration. Director Papan asked if South San Francisco residents are getting additional support with registration at its local core agency. Christa said the data is reflective of those who signed up for the Clipper card benefit through the Community Transportation Benefits Program. It does not show any Clipper Start registration. There was a high level of interest and involvement from community based organizations in South San Francisco in the Program, and that likely leads to large participation numbers.

Public Member Drew asked if there was a way to identify the percentage of transactions that are image based, but the owners have FasTrak accounts. Those transactions are not subject to toll violation penalties. If possible, adding that as a sub-category on the slide would be helpful.

6.0 REPORTS

a) Chairperson Report.

None.

b) Member Communication.

None.

c) Executive Council Report - Executive Council Verbal Report.

Carter Mau reported out that the TA Board received a presentation on the current financial environment, and how that may potentially impact the bonds issued for the express lanes program. Staff would like to bring it to the JPA Board in August or September.

d) Policy/Program Manager Report.

Lacy Vong noted that the equity program presentation is an initial report, and staff will be evaluating the program. Staff will work with Clipper and FasTrak to get information on actual usage. That will be part of the program evaluation.

7.0 WRITTEN COMMUNICATIONS

None.

8.0 NEXT REGULAR MEETING

August 12, 2022

9.0 ADJOURNMENT – 10:05 a.m.

San Mateo County Express Lanes Joint Powers Authority Agenda Report

Date: August 12, 2022

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

From: Executive Council

Subject: Information on 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)

INFORMATION

The Finance Division engages in many activities following the end of the June 30 fiscal year to close out the old fiscal year and set up the new fiscal year. The demands of these activities require a longer time to produce a complete Sources and Uses of Funds than allowed by the normal board meeting cycle. Consequently, staff will present a Sources and Uses of Funds for June at the October 14th meeting of the Board of Directors. The auditors, Eide Bailly, LLP, expect to finish the audit in late October. The Annual Financial Report is expected to finalize in mid-November 2022.

San Mateo County Express Lanes Joint Powers Authority Agenda Report

Date: August 12, 2022

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

From: Executive Council

Subject: 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 notices (for a total of \$30 after the second notice).

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

RECOMMENDATION

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 notices (for a total of \$30 after the second notice).

FISCAL IMPACT

It is difficult to estimate the financial impact from the proposed changes in toll violation penalties. The tolls themselves are not being altered, and drivers are still required to pay the tolls they owe when driving in the express lanes. Only the penalty amounts will be modified. While the reduction in penalty amounts may bring in less revenues from this source, it is also believed that a reduction may encourage more people to pay the penalties earlier, which would increase payments and reduce collection expenses.

SOURCE OF FUNDS

Not applicable.

BACKGROUND

Two types of violations can occur in the express lanes. The first type is a violation of the declared occupancy on a FasTrak transponder. This requires a California Highway Patrol officer to visually verify occupancy and issue a citation after the offense is committed. The second type of violation takes place when the toll system captures a vehicle without a FasTrak transponder/account traveling in the lane. At that time, the FasTrak Regional Customer Service Center sends a toll violation to the registered vehicle owner for the toll amount and levy a penalty.

Attachment C, Schedule of Penalties for Toll Evasion Violations, of the Toll Ordinance states that currently a penalty charge of \$25 will be added to the toll amount when the first notice of violation is issued. After the registered car owner receives the first notice and does not make a payment within 21 days, a delinquent (second) violation notice is sent. A late fee of \$45 is then assessed, making the owner responsible for a total of \$70 (\$25 + \$45 for the first and second notice) in addition to the applicable toll.

The Bay Area Infrastructure Financing Authority (BAIFA), the Joint Powers Authority's Express Lanes operator, the Santa Clara Valley Transportation Authority (VTA), and the Alameda County Transportation Commission (ACTC), all have been operating with this penalty structure.

On October 21, 2021, the Bay Area Toll Authority (BATA) approved a reduction in penalties for BATA operated bridge crossing violations to \$5 + \$10 (for a total of \$15 due after the second notice). Subsequently, staff of various express lane operators across the Bay Area have been working together to evaluate whether to revise their own violation penalties and to what value. The partner agencies communicated a desire to maintain consistent penalties to ensure a seamless customer travel experience, but voiced concerns with matching BATA's penalty amounts. The express lane operators noted that express lanes are different from toll bridges and warrant a greater deterrent to potential violators for reasons that include:

1. BATA's penalties reduction was in large part a result to a foundational change in March 2020 to how the bridges are tolled after the removal of cash collection. Express lanes have always required all electronic tolling.
2. Drivers have a choice to use the tolled express lane or free general purpose lanes, whereas the choice between using a bridge or taking an alternate route to the destination is fundamentally different.
3. Express lanes enforcement is more complicated, and operational costs and risk of leakage are higher due to continuous access and multiple toll points.
4. Express lanes must meet Federal performance standards for travel speed.

After extensive discussion, staff from the express lane operators (SMCEL-JPA, VTA, ACTC, and BAIFA) recommend reductions to the existing toll violation penalties. 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). This is a reduction from \$25 and \$45 for the first and second notices (for a total of \$70 after two notices). The reduced amounts would address equity concerns about penalties and still cover the cost of collecting the tolls. SMCEL-JPA staff presented on this topic at its July 8th Board meeting.

In terms of implementation schedule, all the Bay Area operators aim to set a common effective date of October 3, 2023. This effective date allows all the operators to take the appropriate board actions. Upon approval, qualifying transactions on or after this date would be subject to the new penalties. On July 27, 2022, the BAIFA Board, which has the same membership as the MTC Commission, approved the recommended penalty amendments for the BAIFA express lanes. The other express lane operators will be taking this item to their respective Boards before the common effective date of October 3rd.

Section 10 of the adopted Toll Ordinance authorizes the SMCEL JPA Board of Directors to update Appendix C (Penalties) by resolution. The adopted Toll Ordinance is available at: <https://smcexpresslanes.org/documents/>.

Staff recommends that the JPA Board of Directors 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 notices (for a total of \$30 after two notices), effective October 3, 2022.

ATTACHMENT

1. SMCEL Resolution 22-24

RESOLUTION SMCEL 22-24

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN MATEO COUNTY EXPRESS LANES
JOINT POWERS AUTHORITY ADOPTING CHANGES TO THE TOLL VIOLATION PENALTIES,
SETTING THE AMOUNTS AT \$10 AND \$20 FOR THE FIRST AND SECOND NOTICES**

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, the SMCEL-JPA sets tolls and creates a toll collection process for the SMCEL-JPA toll facilities on US 101 between Interstate 380 and the San Mateo/Santa Clara county line, by ordinance to establish civil penalties for the evasion of those tolls or noncompliance with other policies and to establish a program that addresses how motorists can enroll and participate in SMCEL-JPA's toll facility program, and California Vehicle Code section 40250 authorizes adoption of such an ordinance by the SMCEL-JPA; and

WHEREAS, the SMCEL-JPA adopted a toll ordinance on June 11, 2021, which by its Section 10 allows revisions to Attachment C, Schedule of Penalties for Toll Evasion Violations by resolution; and

WHEREAS, in response to reductions in civil penalties on the Bay Area Toll Authority bridges, and following a regional dialogue about equitable administration of civil penalties with operators of similar toll facilities in the Bay Area region, the express lane operators worked together for a regionally consistent recommendation to set civil penalties for toll violations on express lanes in the Bay Area region at \$10 for the first notice and \$20 for the second notice; and

WHEREAS, the SMCEL-JPA wishes to provide customers with a seamless travel experience and to operate the lanes in a manner generally consistent with its regional and statewide partners;

NOW THEREFORE BE IT RESOLVED, that the SMCEL-JPA Board of Directors approve SMCEL Resolution 22-24, amending Appendix C of adopted SMCEL Ordinance 2021-01 consistent with Exhibit A to set the express lane toll penalty amounts at \$10 and \$20 for the first and second notices (for a total of \$30 after two notices), effective October 3, 2022.

PASSED, APPROVED, AND ADOPTED, THIS 12TH DAY OF AUGUST 2022.

Rico E. Medina, Chair

Exhibit A:

ATTACHMENT C

Amended by SMCEL Resolution 22-24, August 12, 2022

Schedule of Penalties for Toll Evasion Violations

All Violations

1st Notice Toll + \$~~25~~ 10 penalty

2nd Notice Toll + \$~~70~~ 20 penalty

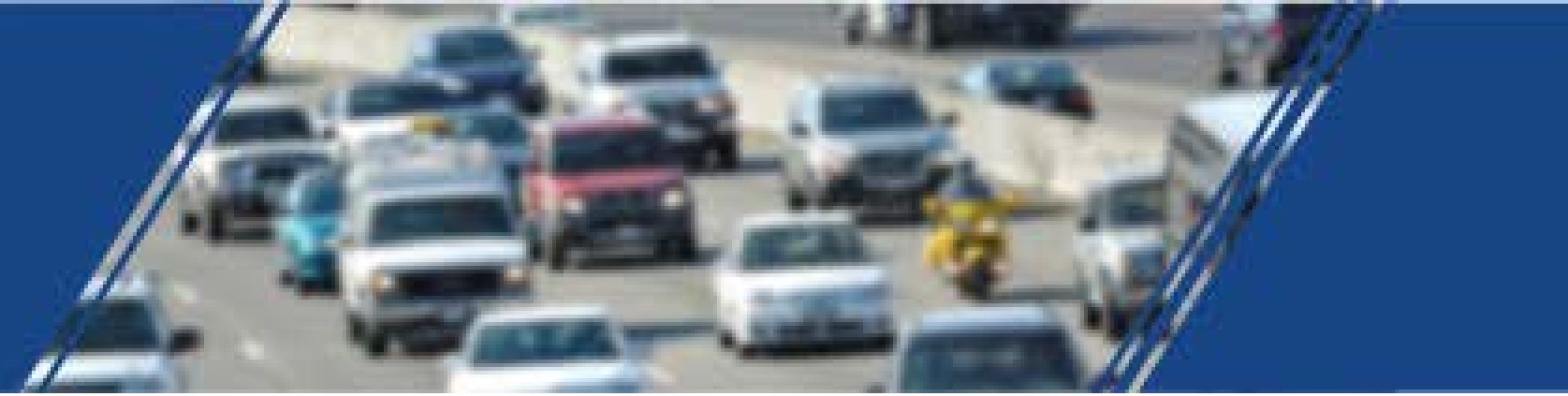
Exceptions:

1. If the violation is determined to be the fault of the toll agency.
2. For 1st time offense, a non-customer can open a FasTrak[®] account and the \$~~1025~~ penalty will be waived.
3. For FasTrak[®] account holders in good standing, toll-only will be posted to the account balance. If the account balance is less than the amount of the toll, the account balance must be brought to the opening balance amount prior to posting the violation toll amount.

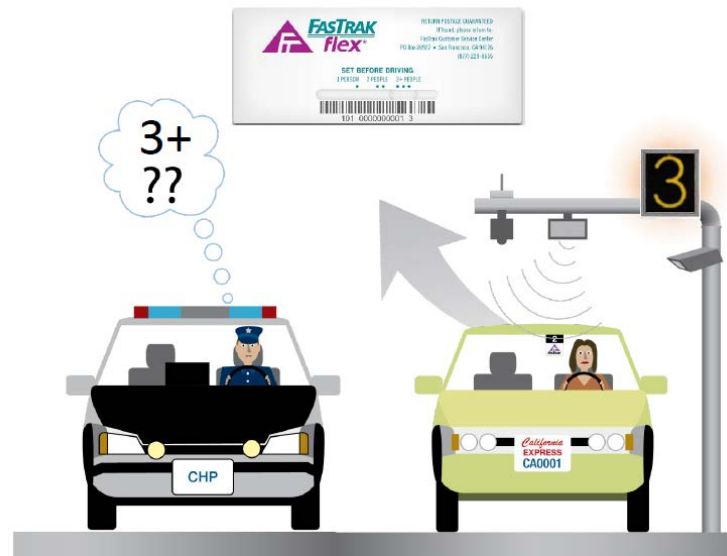
A processing fee will be applied to violations sent to the Department of Motor Vehicles (DMV) for a registration hold in the amount of the DMV recording fee authorized pursuant to Vehicle Code Section 4773, as said amount may subsequently be amended from time to time.



Revision to Toll Violation Penalties



01 Occupancy



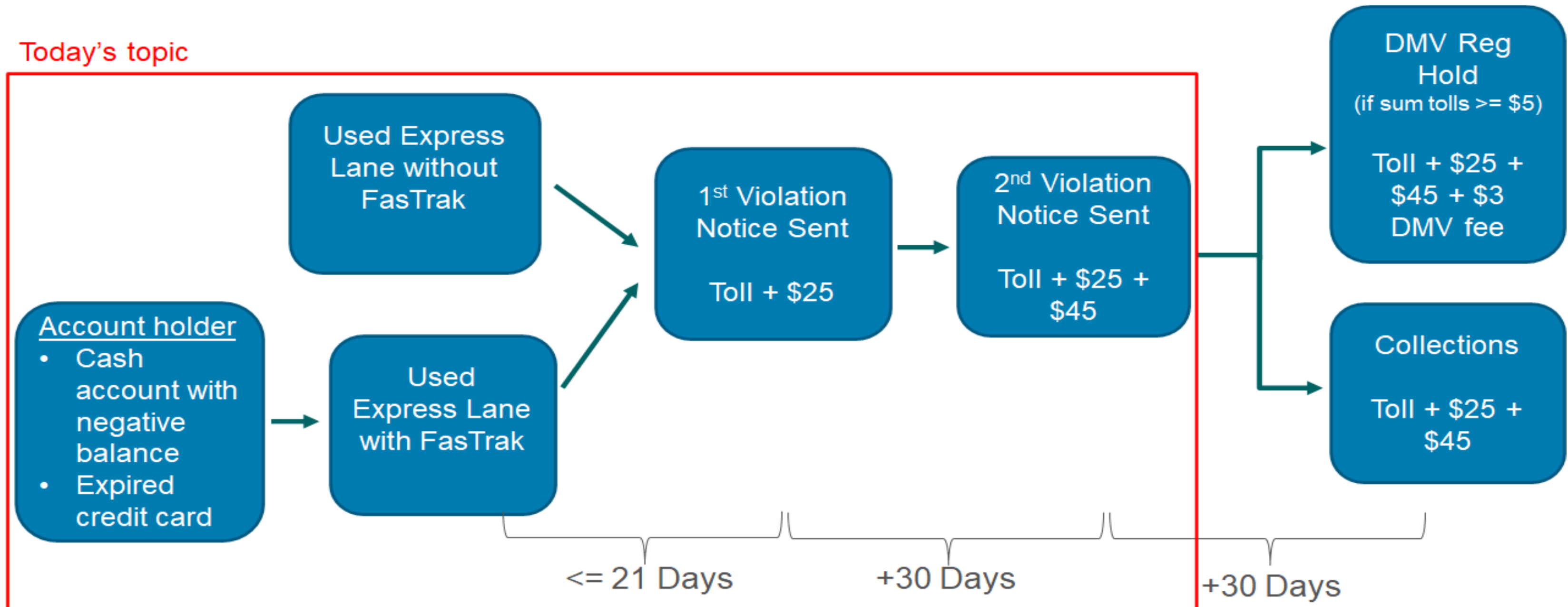
- CHP officer visually verifies occupancy
- Issues a citation when there are fewer declared occupants
- Manual process, minimum fine of \$490
- Fines retained by jurisdictions where the citation was issued

02 Toll

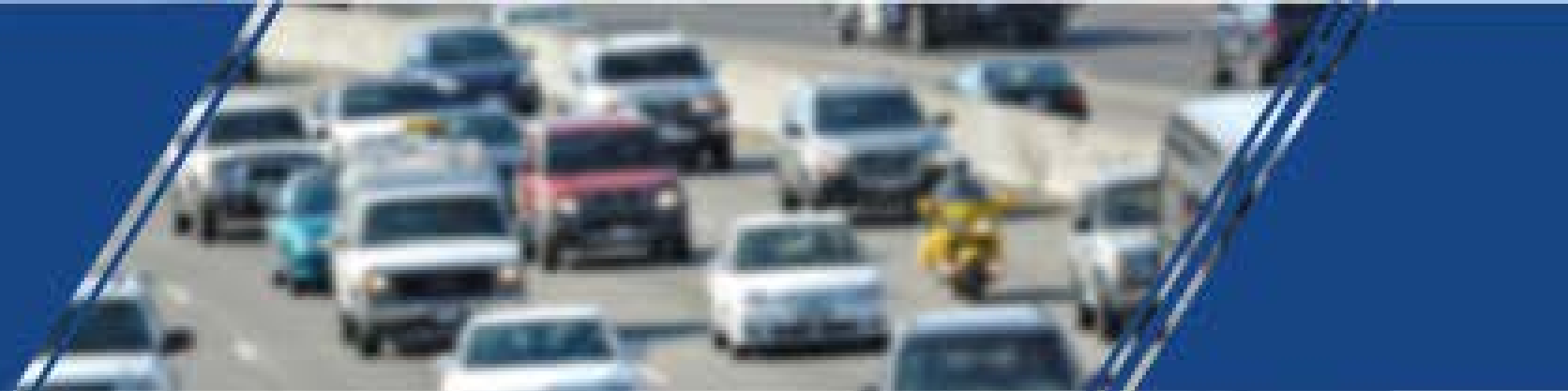


- Toll system captures a vehicle without transponder/FasTrak Account
- Customer Service Center sends toll violation notice for toll and penalty
- Automated process
- Several days to issue violation via mail

Today's topic



Proposed Penalty



Proposed Toll evasion penalty = \$10 + Toll

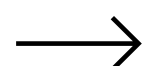
Proposed Delinquent penalty = \$10 + \$20 (late fee) + Toll

Penalty waived for first time violators who sign up for FasTrak

01

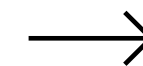
Consistent with other regional operators

BAIFA Approval: July 27, 2022

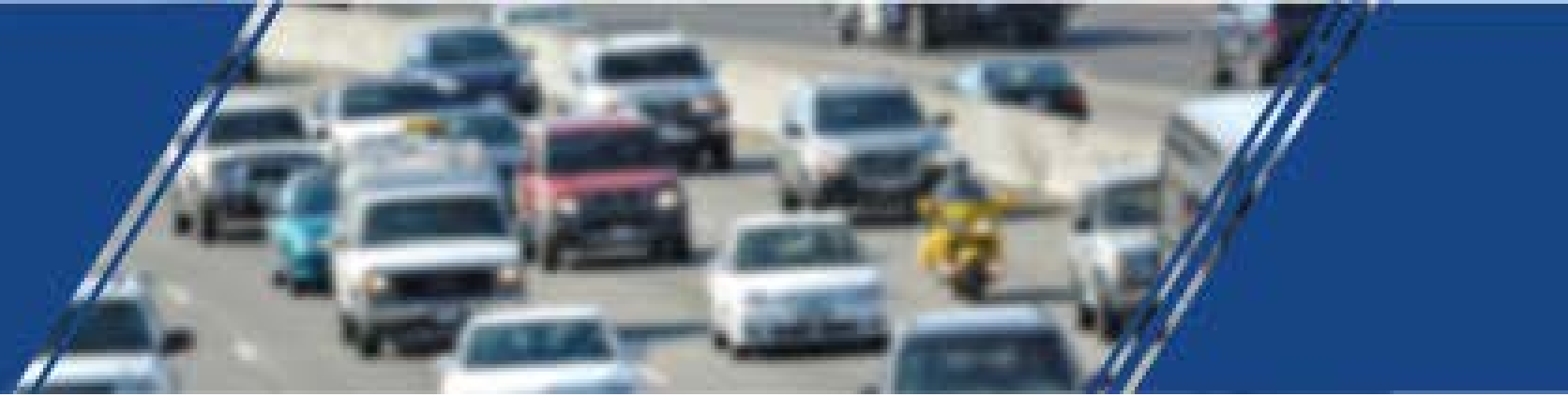


02

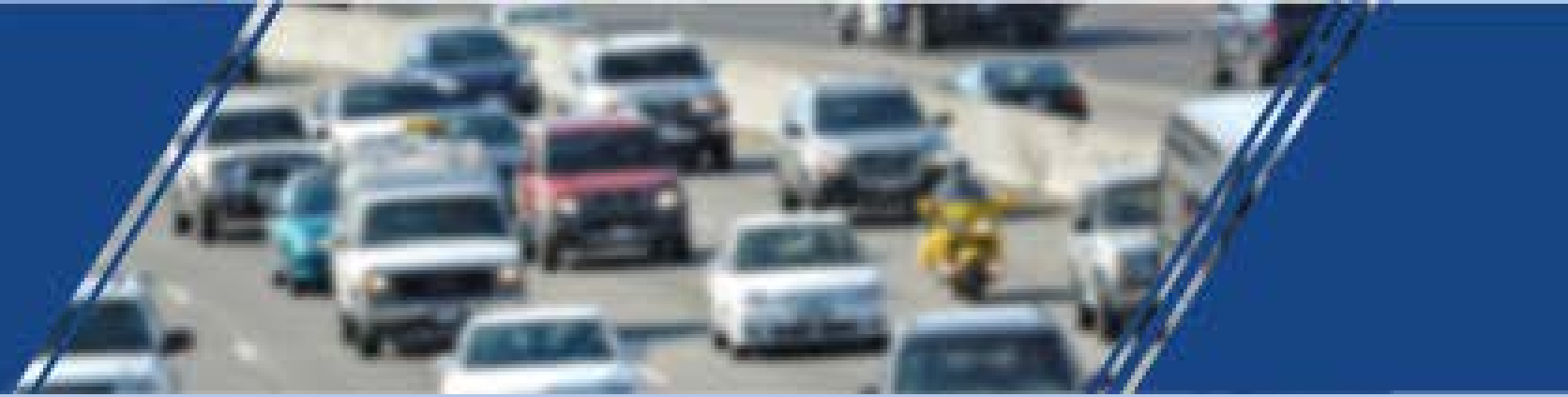
Address equity concerns about penalties while still covering the cost of toll collection



Recommended Effective date: Oct. 3, 2022



- **Approve SMCEL Resolution 22-24**
- **Amend Appendix C of adopted SMCEL Ordinance 2021-01**
- **Adopt proposed changes to the express lanes toll violation penalties, setting the amounts at \$10 and \$20 for the first and second notices (for a total of \$30 after two notices), effective October 3, 2022.**



Thank *you*!

If you have any questions,
Contact kcheung1@smcgov.org.

San Mateo County Express Lanes Joint Powers Authority Agenda Report

Date: August 12, 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)

RECOMMENDATION

That the SMCEL-JPA Board receives update on the US 101 express lanes operations.

BACKGROUND

On February 11th, 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. SMCEL-JPA staff continues to participate in operational meetings with Bay Area Infrastructure Financing Authority (BAIFA), Bay Area Toll Authority (BATA) and their consultants. The express lanes are still in a ramp-up phase and performing well.

The PPM will provide an operational update to the Board to obtain their feedback. The report covers the period from February 11 to June 30, 2022, a total of 99 tolling days. Below are operational highlights for consideration:

- The average potential daily revenue for the southern segment during this period was \$18,866. 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
May 1-31	21	\$404,106	\$19,243
June 1-30	22	\$415,042	\$18,866
Total to Date	99	\$1,838,507	\$18,571

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

Period	Southbound	Northbound
February 11-28	\$1.17	\$0.74
March 1-31	\$1.56	\$0.83
April 1-30	\$1.23	\$0.80
May 1-31	\$1.23	\$0.89
June 1-30	\$1.31	\$0.84
Avg Since Opening	\$1.32	\$0.83

- Daily average express lanes volumes continue to increase month to month. For the month of June, there was a slight decrease in average Express Lane trips of 1.6% in the northbound direction and 1.0% in the southbound direction from the previous month. This can be attributed to summer travel patterns. 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
February 11-28	12	11,239	9,589	-	-
March 1-31	23	12,281	10,423	+9.3%	+8.7%
April 1-30	21	13,172	10,755	+7.3%	+3.2%
May 1-31	21	14,273	11,154	+8.4%	+3.7%
June 1-30	22	14,042	11,042	-1.6%	-1.0%

- Express Lanes and General Purpose lanes continue to operate below capacity, which confirms that traffic has not returned to pre-pandemic levels.
- 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 single occupant vehicle (SOV). Clean Air Vehicle (CAV) declarations represented the smallest portion of trips at about 1.5% in May. However, since February, we have observed an almost 10% reduction in IBT trips which indicates that transponder adoption continues to increase.

The general observation is the express lanes continue to function well and are providing value to customers in the corridor who choose to use them. However, general purpose lane volumes are well below capacity, even during the peak periods, and operating at a fairly reliable and fast travel speed. The generally un- or under-congested nature of the general purpose lanes make the express lanes less compelling and valuable than they would be otherwise. When general purpose lane traffic increases, especially during the peak periods, and associated congestion rises to a level similar to what was experienced before the pandemic, the express lane

volumes and associated toll rates will increase.

ATTACHMENT

1. 101 Express Lanes Operations Executive Dashboard

